

Regular Meeting Revised Agenda

Date: January 21, 2020
 Time: 12:30 pm
 Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 12:30 PM - 12:35 PM
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **REPORTS** 12:35 PM - 1:00 PM
 - 3.1 Trustee Reports
 - 3.2 Chair's Report
 - 3.3 Electoral Area Director's Report
4. **TOWN HALL** 1:00 PM - 1:10 PM
5. **DELEGATIONS**
6. **MINUTES** 1:10 PM - 1:15 PM
 - 6.1 Local Trust Committee Minutes dated November 7, 2019 - for adoption 4 - 10
 - 6.2 Section 26 Resolutions-Without-Meeting - none
 - 6.3 Advisory Planning Commission Minutes - none
7. **BUSINESS ARISING FROM MINUTES** 1:15 PM - 1:45 PM
 - 7.1 Follow-up Action List dated January 13, 2020 11 - 16
 - 7.2 Response to Spraying on Tree Island - for discussion

8.	APPLICATIONS AND REFERRALS	1:45 PM - 3:00 PM	
8.1	DE-RZ-2017.1 (Denman Community Land Trust Association) - Staff Report for decision		17 - 91
8.2	DE-RZ-2018.1 (Denman Housing Association) - Staff Report for decision		92 - 107
9.	LOCAL TRUST COMMITTEE PROJECTS - none		
10.	CORRESPONDENCE		
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)		
11.	NEW BUSINESS		
	----- BREAK 3:00 PM TO 3:30 PM -----		
11.1	<i>Cable Beach - for discussion</i>		
12.	REPORTS	3:30 PM - 3:50 PM	
12.1	Trust Conservancy Report dated December, 2019		108 - 109
12.2	Applications Report dated January 13, 2020		110 - 118
12.3	Trustee and Local Expense Report dated November, 2019		119 - 119
12.4	Adopted Policies and Standing Resolutions		120 - 122
12.5	Local Trust Committee Webpage		
13.	WORK PROGRAM	3:50 PM - 4:10 PM	
13.1	Top Priorities Report dated January 13, 2020		123 - 123
13.2	Projects List Report dated January 13, 2020		124 - 126
14.	CLOSED MEETING		
15.	INFORMATION ITEMS		
15.1	Letter dated November 21, 2019 from Sheila Malcolmson, Member of Parliament regarding Marine Debris		127 - 129
15.2	Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Fisheries and Oceans and the Canadian Coast Guard requesting additional Resources for Enforcement of Shellfish Aquaculture Regulations		130 - 132

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|------|--|-----------|
| 15.3 | Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting more Resources for Enforcement of Aquaculture Tenure Licences | 133 - 135 |
| 15.4 | Letter dated December 3, 2019 to Peter Luckham, Chair of Islands Trust from Jill Knot, Deputy Minister regarding the Connected Coast Project | 136 - 137 |

16. UPCOMING MEETINGS

- | | |
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| 16.1 | Next Regular Meeting Scheduled for Tuesday, March 17, 2020 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC |
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17.	ADJOURNMENT	4:10 PM - 4:10 PM
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Denman Island Local Trust Committee Minutes of Regular Meeting

Date: November 7, 2019
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: Sue Ellen Fast, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present: David Marlor, Director of Local Planning Services (by telephone)
 Heather Kauer, Regional Planning Manager (by telephone)
 Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately five (5) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Fast called the meeting to order at 12:30 pm. She welcomed the public, introduced Trustees and staff, and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Move section 8 Applications and Referrals to follow item 4 Town Hall

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Critchley reported on his attendance at the following:

- The book launch for *Stewarding the Sound: The Challenge of Managing Sensitive Coastal Ecosystems*;
- Trust Programs Committee meetings with a focus on review of the Trust Policy Statement;
- A Ferry Advisory Committee meeting with highlights including information on the Baynes Sound Connector cables, scheduled maintenance, and parking at Gravelly Bay;

- The Islands Trust's visioning event: Islands 2050: Engaging about the Future of the Trust Area.

Trustee Busheikin reported on her attendance at the following:

- The book launch for *Stewarding the Sound: The Challenge of Managing Sensitive Coastal Ecosystems*;
- The Islands Trust's visioning event: Islands 2050: Engaging about the Future of the Trust Area;
- A Financial Planning Committee meeting where creation of the budget was discussed;
- The first meeting of the newly formed Climate Action Committee, a sub-committee of Denman Island Residents Association.

3.2 Chair's Report

Chair Fast reported on the following meetings attended:

- The Howe Sound Community Forum which was an opportunity for representatives of communities around Howe Sound to discuss items of mutual interest;
- A Land Trust Alliance of BC meeting in Victoria;
- Executive Committee meetings;
- A Financial Planning Committee meeting addressing the advancement of the Strategic Plan.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

A member of the public expressed concern that a herbicide was sprayed for spartina control on Tree Island recently with negative effects on sea asparagus and shellfish there; and noted that although Denman Island has been exempted from the spraying and has been successfully eradicating spartina manually, Tree Island has not been excluded from the spray program.

Trustees considered options to respond to this information with the following noted:

- The next Baynes Sound Forum will be an opportunity to bring the matter forward;
- An item was requested to be placed on the next Local Trust Committee (LTC) meeting agenda: "Response to Spraying on Tree Island".

8. APPLICATIONS AND REFERRALS

8.1 DE-RZ-2017.1 (Denman Community Land Trust Association) - verbal update

- Planner Eggen reported that a meeting was held with staff and Denman Community Land Trust Association (DCLTA) recently to discuss issues and ways to move forward. After consideration of the discussion and requests from the DCLTA, staff will be proposing minor amendments to the draft bylaws;
- Comments from the Islands Trust Freshwater Specialist regarding the issue of the Terms of Reference relating to the Water License were considered to be an important factor in moving the application forward in a timely manner.

DE-2019-085

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request Staff to move to have an early referral to the Freshwater Specialist of the Islands Trust in regard to the Denman Community Land Trust Association application for rezoning.

CARRIED

- DCLTA has been following-up with the Agricultural Land Commission (ALC) Planner to provide information and request formal review and correction of the ALC's designation of the lane access as being within the Agricultural Land Reserve.

8.2 DE-RZ-2018.1 (Denman Housing Association) - Staff Report

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 1:09 pm.

Planner Zupanec advised that the applicant has provided new information that may change recommendations in the Staff Report.

Simon Palmer, on behalf of Denman Housing Association (DHA), provided updated information for LTC consideration with key points noted as follows:

- The backup water supply to Denman Green to supplement the planned rainwater harvesting system was intended to be from a Comox Valley Regional District (CVRD) bulk water delivery system on Denman Island, however this is now uncertain;
- Off-island bulk water supply has been investigated and is a more economic option;
- This new backup water supply option may be at variance with Trust Council Policy 4.4.1 and the LTC was requested to exempt this policy for this application.

A Trustee suggested that early feedback from the Executive Committee regarding the issue of possible inconsistency with Trust Council Policies 4.4.1 and 4.4.2 might be useful.

Discussion continued on the following issues:

- Ensuring compliance with the BC Energy Step Code;
- A Housing Agreement or Restrictive Covenant are means to ensure affordability;
- Context for the permitted two parking spaces per unit was provided and the public will have an opportunity to provide feedback on this during public consultation;
- R4 zone does not allow for common houses; DHA proposes a common laundry facility with studio apartments above at Denman Green which might be considered as an accessory building;
- An amendment is being proposed that would exempt cisterns from maximum floor area calculations.

DE-2019-086

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 235 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2019" be read a first time.

CARRIED

DE-2019-087

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 236 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2019” be read a first time.

CARRIED

DE-2019-088

It was MOVED and SECONDED,

that proposed Bylaw Nos. 235 and 236 be referred to the following First Nations, Local Governments and agencies for comment:

a. First Nations:

K'ómoks First Nation, Qualicum First Nation, Tla'amin Nation, Snaw'Naw'As Nation, Te'Mexw Treaty Association, We Wai Kai Nation, Stz'uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.

b. Local Governments and Agencies:

Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture, Islands Trust Freshwater Specialist.

CARRIED

DE-2019-089

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 235 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2019-090

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare an early referral to the Islands Trust Executive Committee of Bylaw Nos. 235 and 236 to enable development as presented in application DE-RZ-02018.1 (Denman Housing Association), as to their consistency with Islands Trust Policy Statements 4.4.1 and 4.4.2.

CARRIED

8.2.1 Correspondence from Denman Housing Association dated November 3, 2019 regarding Backup Water and Draft Timeline for Application DE-RZ-2018.1

Received.

8.3 Mock Consolidation (Extracted Pages Only) of Official Community Plan Bylaw No. 185 showing amendments from Draft Bylaws 233 and 235

Received.

8.4 Mock Consolidation (Extracted Pages Only) of Land Use Bylaw No. 186 showing amendments from Draft Bylaws 234 and 236

Received.

Trustee Busheikin returned to the meeting at 2:05 pm.

5. MINUTES

5.1 Local Trust Committee Minutes dated October 3, 2019 - for adoption

DE-2019-091

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the minutes of the October 3, 2019 Local Trust Committee meeting.

CARRIED

By general consent agenda item 11.1 was moved to follow item 5.1.

11.1 Live Streaming of Local Trust Committee Meetings - Request for Decision

Trust Council is requesting that LTCs provide an indication of interest in filming and live streaming LTC meetings. Trustee discussion of the matter included consideration of the merits and potential concerns. Some Trustees reported that initial outreach efforts have not indicated a strong community desire at this time to film and stream LTC meetings.

DE-2019-092

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee communicate to Trust Council that its interest in filming and streaming of public meetings is minimal at present although this may change in the future.

CARRIED

Trustee Busheikin left the meeting at 2:21 pm.

5.2 Section 26 Resolutions-Without-Meeting - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated October 31, 2019

Received.

6.2 Naming and Recognition/Traditional Place Name for Denman Island on Local Trust Committee Meeting Agendas - Staff Report

Planner Eggen summarized the Staff Report that identifies potential steps to advance the LTC's request to use a traditional place name for Denman Island on LTC meeting agendas that are reflective of reconciliation.

A Trustee indicated a preference for a more informal approach and smaller scope than that outlined in the Staff Report; and reported that past discussions with the individuals of First Nation Bands indicated that a conversation on the topic might be a satisfactory means of gathering this information. Staff reported that Senior Intergovernmental Policy Advisor Wilcox recommends conducting the process as outlined in the Staff Report prior to use of a traditional name in official documents.

DE-2019-093

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to add the “naming and recognition/traditional place name for Denman Island on LTC meeting agendas” to the Projects List.

CARRIED

6.3 Denman Island Planning Resources - Briefing

Director of Local Planning Services Marlor summarized the Staff Report that responds to the LTC’s request for a report with options to increase planning resources for Denman Island.

Trustees discussed the options provided and budget considerations associated with additional staffing possibilities. Chair Fast supported production of an educational brochure to manage expectations and Trustees suggested that Local Planning Committee might be encouraged to review the means to reduce the number of applications received.

7. DELEGATIONS - none

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

11. NEW BUSINESS

11.2 Denman Community Land Trust Association Housing Agreement – Memorandum

Received.

11.3 Request for Letter of Support for Bus Service

Trustees considered this initiative to be worthwhile and noted that Trustee Busheikin has offered to write a draft letter in support of the proposed bus service.

DE-2019-094

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee delegate to Trustee Busheikin to write a letter in support for the proposed Denman Island bus service.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report – none

12.2 Applications Report dated October 31, 2019

Received.

12.3 Trustee and Local Expense Report dated September, 2019

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

There were no changes or additions requested.

13. WORK PROGRAM

13.1 Top Priorities Report dated October 31, 2019

Received.

13.2 Projects List Report dated October 31, 2019

Received.

14. CLOSED MEETING - none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, January 21, 2020 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular meeting date, time and location.

16. ADJOURNMENT

By general consent the meeting was adjourned at 3:13 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

20-Nov-2018

Activity	Responsibility	Dates	Status
1 Trustees Buskeikin and Critchley to investigate alternative locations for Islands Trust signage at the Buckley Bay Ferry Terminal.			In Progress

07-Feb-2019

Activity	Responsibility	Dates	Status
1 Amend Bylaw No. 228 (OCP) by replacing item 1.15 Policy 3 (as per Feb. 7, 2019 staff report).	Becky McErlean Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
2 Amend Bylaw No. 229 (LUB) for LTC consideration: a. Include TUP and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family; b. Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms; c. Reduce the lot line setback for feedlots from 50 m to 30 m. - d Remove the term feedlot e. Add a new defined term, confined livestock area. f. remove agriculture as an accessory use in the R1 zone, while retaining horticulture as an accessory use in this zone; - g remove the term intensive agriculture; h. amend the definition of horticulture to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner; i. permit the keeping of animals for personal use as an accessory use in the R1, R2, R3 zones. j. Remove horticulture as a permitted use in the A, F, and RE zones, while retaining agriculture as a principal permitted use in these zones.	Becky McErlean Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
3 LTC endorsed revised Farm Plan Implementation Project Charter as amended (adding Cannabis Land Use Regulations as an Out of Scope activity).	Marnie Eggen Sonja Zupanec		In Progress
4 Send an introductory/welcome letter to First Nations with interests in the Local Trust Area.	Lisa Wilcox Marnie Eggen		In Progress

07-Mar-2019

Activity	Responsibility	Dates	Status
1 Request the communication specialist to prepare draft wording for Islands Trust signage at the Buckley Bay terminal, which would consist of a sign 3 feet wide and 4 feet tall and include reference to indigenous territorial acknowledgement, and design elements and graphics. Request referred to Andrew Templeton March 11, 2019. Location of sign has been confirmed. David Critchley will follow up with Andrew on wording - July 2019	Lisa Wilcox		In Progress



Follow Up Action Report

Denman Island

07-Mar-2019

Activity	Responsibility	Dates	Status
2 Request that the applicant for DE-ALR-2018.1 submit to the Islands Trust the groundwater license application and the FLNRORD response and/or provide an evidence-based estimate of the amount of water that would be used for the proposed non-farm use and a professional report commenting on how anticipated water use will potentially affect aquifer neighbouring wells and natural environment of the surrounding area for the purpose of satisfying islands trust policy statement 3.3.1 and 4.4.2.	Jaime Dubyna		In Progress

04-Jul-2019

Activity	Responsibility	Dates	Status
1 Staff to create a permanent Density Register setting out the current available densities resulting from Section E.1, policy 11 and Appendix D, Density Banking of the Denman Island Official Community Plan Bylaw No. 185; b) that the Density Register be added to the Denman Island Local Trust Committee Policies & Standing Resolutions; and c) that the Density Register be updated from time to time to show additions and withdrawals as they occur.	Marnie Eggen Penny Hawley		In Progress
2 David Marlor to bring forward draft procedures for cell tower application consultation for LTC consideration.	David Marlor		In Progress

Follow Up Action Report

Denman Island

03-Oct-2019

Activity	Responsibility	Dates	Status
1 Staff to follow up with the Farm Industry Review Practices Board (FIRB) staff to arrange a meeting and a tour as per their letter dated September 25, 2019 and include an invitation to the Hornby LTC. Oct 8/19 update: staff requested potential availability of FIRB to attend a 2020 LTC meeting date.	Becky McErlean Marnie Eggen Penny Hawley Wil Cottingham		In Progress

07-Nov-2019

Activity	Responsibility	Dates	Status
1 Staff to provide an early referral of draft bylaws no. 233 and 234 (DE-RZ-2017.1) to the Freshwater Specialist.	Marnie Eggen		Completed
2 Staff to add to the Projects List "the naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas"	Marnie Eggen		Completed
3 LTC delegate that Trustee Busheikin write a letter of support for the Denman Bus service.			In Progress
4 Staff to refer proposed Bylaws 235 and 236 (DE-RZ-2018.1) to agencies and first nations & to provide early referral to Executive Committee regarding consistency with Islands Trust Policy Statement policies 4.4.1 and 4.4.2.	Sonja Zupanec		Completed

Follow Up Action Report

Denman Island

07-Nov-2019

Activity	Responsibility	Dates	Status
5 Staff to communicate to Trust Council that the DE LTC's interest in filming and streaming its public meetings is minimal at present but this may change in the future.	Marnie Eggen		Completed



File No.: DE-RZ-2017.1
(Denman Community Land
Trust Association)

DATE OF MEETING: January 21, 2020

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

SUBJECT: Draft OCP and LUB Bylaw Amendments for Seniors Affordable Housing Development
Applicant/Agent: Harlene Holm for Bev Severn (Owner) and Denman Community Land
Trust Association
Location: 3730 Denman Road, Denman Island (PID 009-708-537)

RECOMMENDATION

1. That the Denman Island Local Trust Committee Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No.1, 2019” be read a first time.
2. That the Denman Island Local Trust Committee Bylaw No. 234 cited as “Denman Island Land Use Bylaw, 2008, Amendment No.1, 2019” be read a first time.
3. That Proposed Bylaw Nos. 233 and 234 be referred to the following First Nations, Local Governments and agencies for comment:
 - a. First Nations:

K’omoks First Nation, Qualicum First Nation, Tla’amin Nation, Snaw’Naw’As Nation, Te’Mexw Treaty Association, We Wai Kai Nation, Stz’uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.
 - b. Local Governments and Agencies:

Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture.
4. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No.1, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

5. That the Denman Island Local Trust Committee request staff to develop a draft housing agreement in consultation with the applicant/agent for application DE-RZ-2017.1 (DCLTA) for Local Trust Committee consideration.
6. That the Denman Island Local Trust Committee enter into a cost recovery agreement with the applicant/agent allowing Islands Trust legal counsel to review a draft housing agreement for application number RZ-DE-2017.1 (DCLTA).

REPORT SUMMARY

This report delivers revised draft bylaws to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB) to enable the proposed seniors affordable housing development for 8 units as presented in application DE-RZ-2017.1 (DCLTA). Staff is recommending first reading of the draft bylaws and referrals to First Nations, agencies and other organizations, along with drafting a housing agreement and entering into a cost recovery agreement for the legal review of the agreement.

BACKGROUND

The LTC passed the following resolution at their October 3, 2019 business meeting:

DE-2019-082

It was MOVED and SECONDED,

That the Denman Island Local Trust Committee defer first reading of DE-RZ-2017.1 - Denman Community Land Trust Association to the proposed January 21, 2020 Denman Island Local Trust Committee meeting, at the request of the applicant.

CARRIED

On November 6, 2019 a meeting was held between staff and the applicant/agent and the Denman Community Land Trust (DCLTA) members to discuss the DCLTA's concerns about the draft bylaws and ways to move forward. Staff are proposing revisions to the draft bylaws as a result of that meeting, which are discussed in the Analysis section below and the draft bylaws (No. 233 and 234) are found in Attachments 1 and 2.

The LTC passed the following resolution at their November 7, 2019 business meeting:

DE-2019-085

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request Staff to move to have an early referral to the Freshwater Specialist of the Islands Trust in regard to the Denman Community Land Trust Association application for rezoning.

CARRIED

Staff referred the draft bylaws to the Freshwater Specialist and their response (Attachment 3) is discussed in the Analysis Section below.

ANALYSIS

Staff have identified the following issues for LTC consideration:

- Proof of Adequate Potable Water and Water Assessment Draft Terms of Reference
- DCLTA's Concerns and Revisions to draft Bylaw No. 234
- Agricultural Land Commission's Conditions of Exclusion from the Agricultural Land Reserve - Laneway
- Summary of Draft Bylaw No. 233 (OCP)
- Summary of Draft Bylaw No. 234 (LUB)
- Bylaws Consistent with Islands Trust Policy Statement and OCP
- Amendments to Enable New Development Permit Areas
- Pending Housing Agreement and Restrictive Covenant

Issues and Opportunities

Proof of Adequate Potable Water and Water Assessment Draft Terms of Reference

Staff has undertaken further analysis regarding the approach to address the fact that the issued groundwater licence does not meet the LUB subdivision requirements for proof of adequate potable water of 1200 litres/day/dwelling unit. After further consideration, instead of using a covenant as described in the October 3, 2019 staff report, staff are recommending including an amendment in draft Bylaw No. 234 (LUB) to allow proof of adequate potable water as authorized by the water licence issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRD). This change is reflected in draft Bylaw No. 234 attached to this report.

Islands Trust Freshwater Specialist's response to the bylaw referral (Attachment 3) recommends that the *Water Assessment Draft Terms of Reference* (TOR) is no longer applicable. As such, staff recommend that there is no longer a need for the TOR. Further to this, the Freshwater Specialist recommends requiring mitigation measures beyond what is required by MFLNRD's Conditional Water Licence in order to address short comings in adequately addressing Islands Trust Policy Statement directive policies 4.4.2 and 4.4.3 and Denman OCP policy D.3 with respect to ensuring water quality maintenance and no detrimental impacts on in-stream users. As such, staff is recommending that mitigating measures as identified by the Freshwater Specialist are incorporated into a covenant.

Additionally, staff anticipate Island Health input as a part of the agency referrals to further inform the LTC of the status of the water quality and their water quality maintenance requirements under an Operating Permit.

DCLTA Concerns and Revisions to draft Bylaw No. 234

The Denman Community Land Trust Association (DCLTA) has expressed concern about the provisions in draft Bylaw No. 234 since it was first introduced in June 2019 because it deviates from their specific amendment requests made in their rezoning application. The draft bylaw did allow the main elements of the seniors affordable housing

project as proposed; however, it included flexibility in the use and other siting elements that were not desired by the DCLTA. Based on the November 6, 2019 meeting between staff and the DCLTA and email communications, staff have reviewed the draft bylaws and incorporated the main requests of the DCLTA into draft Bylaw No. 234.

As a part of those changes, staff included a 3 metre setback for buildings and structures from the lot lines abutting the Agricultural Land Reserve (ALR) as requested by the applicant. Staff does not support this change as it deviates from guidance provided by [Ministry of Agriculture's Guide to Edge Planning](#) that recommends a setback of 30 metres for residential use and 15 metres for commercial use. Staff anticipate Agricultural Land Commission (ALC) and Ministry of Agriculture (MoA) input on this to inform the LTC on whether 3 metre setback is appropriate in this case.

See Attachment 4 for a summary of the rezoning requests of the Applicant/Agent and how they are reflected in the current draft Bylaw No. 234, along with staff comments.

Agricultural Land Commission's Conditions of Exclusion from the Agricultural Land Reserve - Laneway

Staff have received a decision from the ALC that confirms that the laneway portion of the subject property is excluded from the Agricultural Land Reserve (ALR) (Attachment 5). As a result, necessary changes to the draft bylaws were made to reflect confirmation of the exclusion of the laneway from ALR lands. The changes were made to the designation mapping as per Schedule 2 of the draft Bylaw No. 233 (LUB) and to the zone map as per Schedule B of the draft Bylaw No. 234.

Summary of Draft Bylaw No. 233 (OCP):

No further changes were made to draft Bylaw No. 233 (Attachment 1) since the LTC considered the draft bylaw at their October 3, 2019 LTC meeting, with exception to a change to the designation map to reflect the most recent ALC decision regarding the exclusion of the laneway from the ALR (see above). The bylaw, if adopted would introduce new policies in the OCP to: require Energy Step Code compliance for new dwellings as a result of rezoning or density transfer; re-designate 0.8 ha portion of the parcel from 'Sustainable Resource' to 'Residential', and allow for smaller sized lots to be created by subdivision for the purposes of allowing the seniors affordable housing project in order to contemplate eventual subdivision into 2-3 parcels; and require consideration of residential rental tenure zoning for multi-family dwellings to ensure affordability is maintained in perpetuity. Extracted pages of a mock consolidated OCP with the proposed up to date changes is attached for convenience (Attachment 6).

Summary of Draft Bylaw No. 234 (LUB):

As presented at the October 3, 2019 LTC meeting, draft Bylaw No. 234, if adopted, would amend the LUB by: rezoning the parcel to two new site specific 'A(15)' and 'R4(2)' zones to allow for the eventual subdivision into 2-3 lots and allow an increase in density in R4(2) zone; permit seniors affordable housing duplexes by way of a residential rental tenure zone; and regulate siting, size, lot coverage, parking, signage and several other land use parameters for the new R4(2) zone. Further changes to draft Bylaw No. 234 were made since the October 3, 2019 LTC meeting:

- to more closely reflect the rezoning requests of the DCLTA;
- to allow proof of adequate potable water as authorized by the water licence issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRD); and
- to reflect the recent ALC decision regarding the exclusion of the laneway portion of the subject property.

Updated draft Bylaw No. 234 is in Attachment 2. Extracted pages of a mock consolidated LUB with the up to date proposed changes is attached for convenience (Attachment 7).

Bylaws Consistent with Islands Trust Policy Statement and OCP

Planning staff have included an updated table (Attachment 8) of relevant Islands Trust Policy Statement and OCP policies along with staff recommendations as represented in the draft bylaws. Staff note that changes have been made to the table that reflect the most recent changes made to the draft bylaws. As a result of those changes, staff have identified that draft Bylaw No. 234 is yet to be determined to be consistent with ITPS policies 4.4.2, 4.4.3 and 4.1.6. Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement Directives Only Checklist and concluded that Draft Bylaw No. 233 (OCP) as written is not contrary to or at variance with the ITPS (ITPS, Attachments 9). Staff suggest that until such time that input is received from ALC and MoA on the proposed setbacks from ALR lands, and that input is received from Island Health regarding the status of the water quality and outcome of consideration of including mitigation measures in a covenant that staff is unable to conclude that Draft Bylaw No. 234 (LUB) is not contrary to or at variance with the ITPS.

Draft Amendments to Enable New Development Permit Area

As requested by the LTC, staff working on application DE-RZ-2018.1 have developed a separate set of draft bylaw amendments (Bylaw Nos. 237 and 238) to enable the designation of a new Development Permit Area (DPA) to be applied to that subject property. Staff are recommending that it also be applied to the subject property of this rezoning application at the time of subdivision, land alteration or construction. The intent of the new DPA is to protect the natural environment and biodiversity, protect adjacent ALR farmland and promote energy and water conservation and greenhouse gas emission reduction. Staff recommend applying the DPA to the subject property for this rezoning application as it would address ITPS policies 4.4.2 and 4.4.3, and Denman OCP Freshwater, Climate Change, and Water Management policies. Further information about its recommended application to the subject property for this application will be provided to the LTC at a future LTC meeting.

The staff report introducing the draft bylaws for the DPA is included in the January 21, 2020 agenda package. The LTC can continue to advance consideration of draft Bylaw Nos. 233 (OCP) and 234 (LUB) irrespective of the advancement of Bylaw Nos. 237 and 238. Staff recommend that the LTC can consider application of the DPA to the subject property of this application in the future, but before public hearing.

Pending Housing Agreement and Restrictive Covenant

Staff recommend that a housing agreement could be drafted now in consultation with the applicant/agent in order to advance this important element of the rezoning application in tandem with the advancement of the draft Bylaw Nos. 233 (OCP) and 234 (LUB). A housing agreement is a condition of the approval for exclusion of +/- 0.8 ha from the ALR granted by the ALC to ensure the continued use of the land for seniors affordable housing. Additionally, the amendments in draft Bylaw no. 234 (LUB) establish a site specific zone for seniors affordable housing that requires the registration of a housing agreement. The applicant/agent has advised that it is their intension to enter into a housing agreement with the LTC, and not with any other entity, such as BC Housing.

The primary purpose of a housing agreement is to ensure affordability for the renters or owners into the future. In this case, the DCLTA is proposing only rental units. While the terms and conditions of an agreement can vary between properties, a housing agreement usually serves to limit rental rates or sale price (rental rates in this case), and may also stipulate who may reside at the property. The specific terms, such as the rental amounts and other charges, are determined individually at the time the housing agreement is drafted.

There are three parts to a housing agreement:

1. A bylaw; the LTC establishes a bylaw that authorizes the LTC to enter into a housing agreement with another party.

2. The housing agreement; this is attached to the bylaw, and is a contract between the parties to provide affordable housing.
3. Covenant; a covenant may also be placed on the title of the property, with additional items that support the housing agreement. During the drafting of the covenant, staff will confirm whether a covenant is needed.

Staff advise that a cost recovery agreement is required in order to cover the costs associated with the necessary legal review of the draft housing agreement as outlined in the Islands Trust *Guide to Housing Agreements* provided to the applicant/agent.

The DCLTA has an existing housing agreement for a different property on Denman Island applicable to one affordable dwelling unit from which some of the elements of that agreement could be transferred over. As the current proposal for multiple affordable units specific for seniors is quite different than the previous, many of the elements may not be easily transferable or assist with reducing the time needed for drafting/reviewing the agreement.

Staff will be providing the LTC with an analysis of a restrictive covenant that is recommended to include the following:

- That Energy Step Code compliance is required for all new dwellings on the parcel intended for seniors affordable housing;
- That conditions related to the ALC exclusion are required;
- That mitigation measures identified by Freshwater Specialist are required;
- Storm water management plan is required;
- Consideration of sewerage system maintenance.

Consultation

As this application proposes an amendment to the Official Community Plan, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws staff recommend referrals to First Nations, provincial agencies, adjacent local governments and select referral agencies as detailed in the recommendations on page 1 of this report. Staff also recommend a community information meeting as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. Significant changes to the bylaw (either as a requirement of the LTC, or by the applicant) that necessitate further referrals or community meetings or application complexities may require more involved consultation.

Statutory Requirements

As the project would involve an OCP amendment, the LTC is required by the Local Government Act to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than that identified in the staff recommendation found on page 1 of this report and direct staff accordingly.

Community Information Meeting

Staff suggest that a community information meeting for application DE-RZ-2017.1 (DCLTA) and proposed Bylaw Nos. 233 and 234 that also includes the draft housing agreement, a draft Covenant, and proposed Development Permit Area, and that it be scheduled following the close of the bylaw referral period and following consideration of draft housing agreement and draft covenant by the Local Trust Committee.

Rationale for Recommendation

Staff is recommending that both bylaws be given first reading as presented and referred to the First Nations and agencies listed in the staff recommendations despite the deficiencies noted in the analysis section of this report. Staff anticipate input from the identified agencies with respect to these elements of draft Bylaw No. 234 and recommends the LTC consider the input from the referrals prior to making any changes to the draft bylaw as presented. Staff is also recommending that the housing agreement be drafted along with entering into a cost recovery agreement for the agreement's legal review in order to advance this important element of the rezoning application. The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations:

1. Amend the draft bylaws

The LTC may amend the draft bylaws prior to consideration of first reading. If this alternative is selected, the following resolution may be considered:

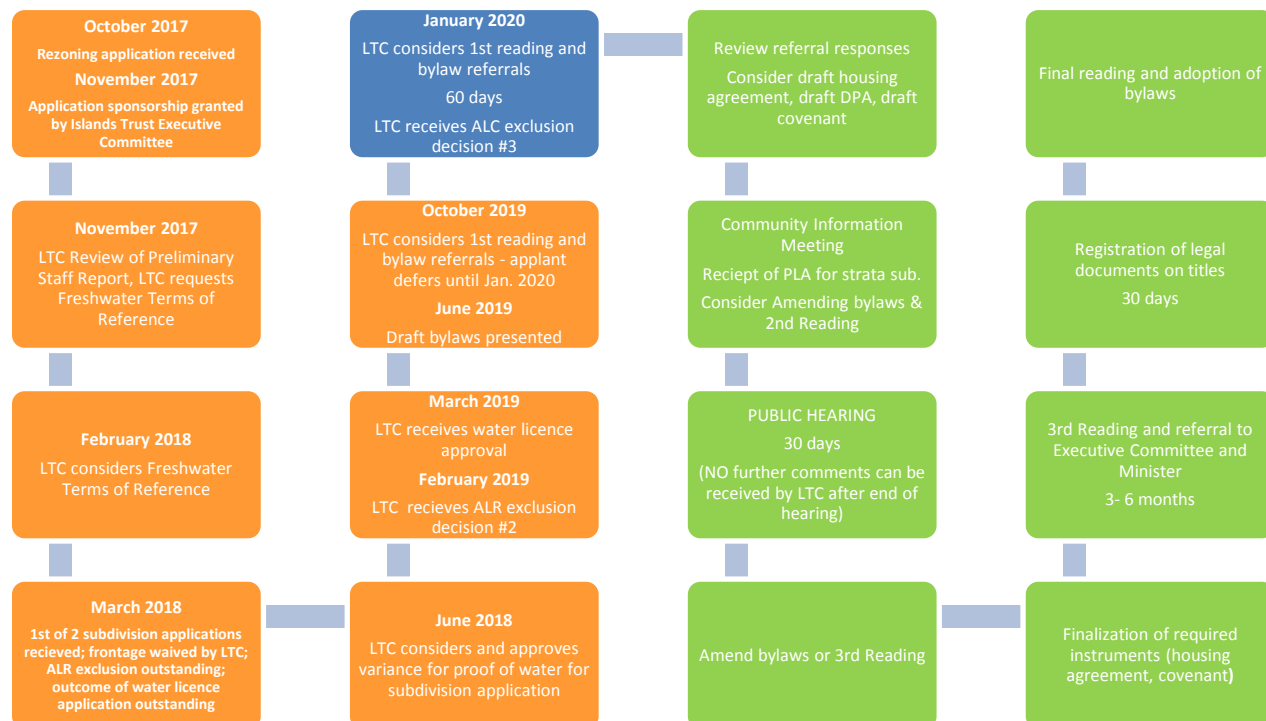
That the Denman Island Local Trust Committee amend draft Bylaw No. 23X, cited as "...” with the following: (list amendments).

NEXT STEPS

Should the LTC concur with the staff recommendations, referrals will be sent out requesting a response within 60 days of the date on the referral and staff will draft a housing agreement in consultation with the applicant.

Application Process Steps and Timing

The following timeline outlines the rezoning application process milestones to date along with next steps and approximate timing which may assist in managing applicant and community expectations in how an OCP and LUB amendment application such as this, is processed:



Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	January 14, 2020
Concurrence:	Heather Kauer, MCIP, RPP Regional Planning Manager	January 14, 2020

ATTACHMENTS

1. Draft Bylaw No. 233 (OCP), revised January 2020
2. Draft Bylaw No. 234 (LUB), revised January 2020
3. Referral to Freshwater Specialist and Response, dated January 9, 2020.
4. Applicant/Agent Rezoning Requests and Current Draft Bylaw Amendments No.234 (LUB)
5. Agricultural Land Commission Approval of Reconsideration of Exclusion of laneway from ALR, dated November 28, 2019
6. Mock Consolidation (Extracted Pages Only) of Official Community Plan Bylaw No. 185 showing amendments from Draft Bylaws 233 and 235, revised January 2020
7. Mock Consolidation (Extracted Pages Only) of Land Use Bylaw No. 186 showing amendments from Draft Bylaws 234 and 236, revised January 2020
8. Policies Table, revised January 2020
9. Islands Trust Policy Statement Directives Only Checklist - Bylaw No. 233 (OCP)

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 233

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is amended as shown on Schedules “1,” “2,” and “3” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019”.

READ A FIRST TIME THIS	xx	DAY OF	, 2019
READ A SECOND TIME THIS	xx	DAY OF	, 20xx
READ A THIRD TIME THIS	xx	DAY OF	, 20xx
PUBLIC HEARING HELD THIS	xx	DAY OF	, 20xx
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF	, 20xx
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF	, 20XX
ADOPTED THIS		DAY OF	, 20XX

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule “1”

1. Schedule “A” – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:
 - 1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:
“Objective 5 To protect and enhance the supply and quality of rental housing for low income households.”
 - 1.2. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 1 is amended by adding the following sentence to the end of the first sentence: “except for lots created for the purpose of allowing multi-family affordable housing.”
 - 1.3. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 3 is amended by replacing it in its entirety with the following:

“Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares.”
 - 1.4. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, is amended by adding the following new Policy 4 after Policy 3 and renumbering subsequent Policies chronologically:

“Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing.”
 - 1.5. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 9 is replaced in its entirety with the following:
“In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:
 - The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
 - Multi-family affordable housing through the completion of a successful rezoning application.”
 - 1.6. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by changing “Policy 29” to “Policy 30”.
 - 1.7. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by adding “28, 29, or” after the word “Policy” and before the number “30.”
 - 1.8. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 27 is replaced in its entirety with the following:
“Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new

construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.”

- 1.9. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 28 is amended by adding an additional bullet to the end of the list that reads: “that residential rental tenure zoning is considered to ensure affordability is maintained in perpetuity.”

DENMAN ISLAND LOCAL TRUST COMMITTEE

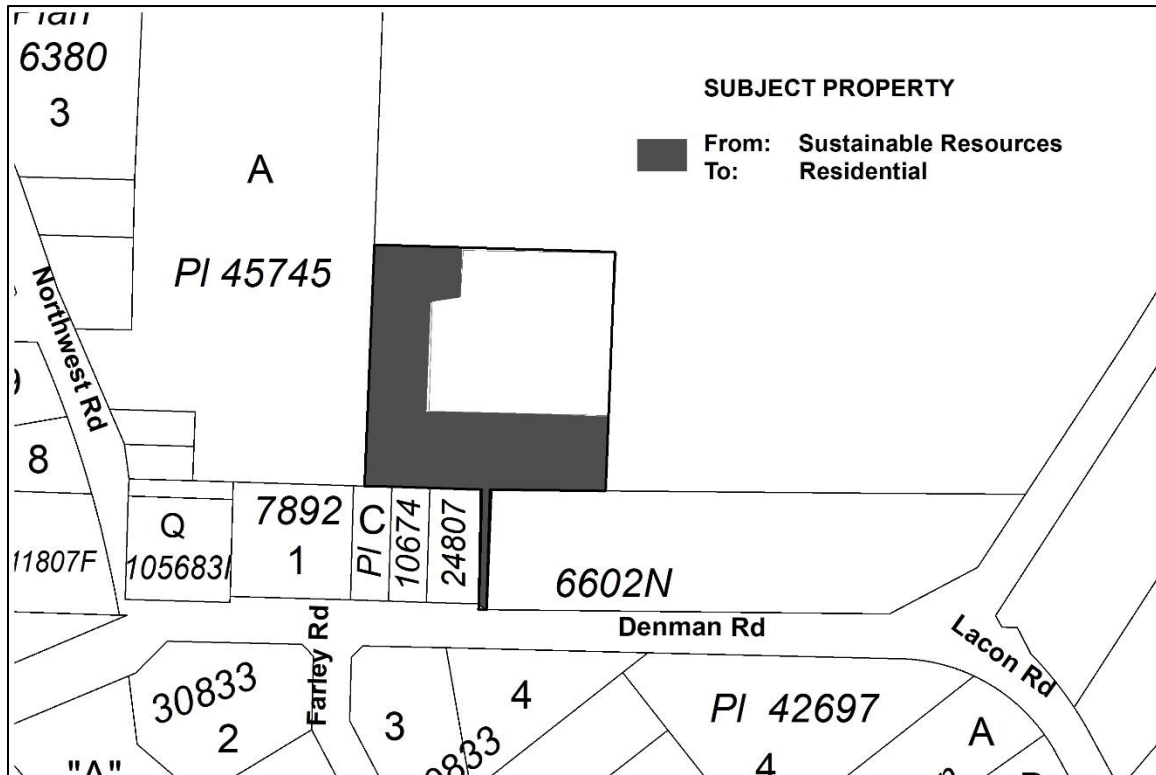
BYLAW NO. 233

Schedule "2"

1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 68031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision



DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 234

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234**

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:
 - 1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."
 - 1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

"dwelling, multi-family means a building containing two or more dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

dwelling unit, seniors affordable housing means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement.

dwelling unit, single family means a building containing one dwelling unit;

residential rental tenure means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit;"
 - 1.3 PART 2 ADMINISTRATION, Section 2.1 **Accessory Buildings and Structures**, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Affordable Housing (R4) Zone'." after the word "Bylaw".
 - 1.4 PART 2 GENERAL REGULATIONS, Section 2.1 **Travel Trailers**, 11 is amended by adding the words "except on a parcel zoned 'Affordable Housing (R4).'" after the word "accommodation".
 - 1.5 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by removing:
 - "one per one single family residential use"
 And replacing it with:
 - "one per one single family residential dwelling unit"
 - 1.6 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by adding another bullet:
 - "two per dwelling unit in a multi-family dwelling"

- 1.7 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:
- “one per dwelling unit in a multi-family dwelling”
- 1.8 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding “Affordable Housing (R4)” after “(R3)”.
- 1.9 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing “R3 zone” and replacing with “R3 and R4 zones”.
- 1.10 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, **Residential Zones** is amended by adding “Affordable Housing R4”.
- 1.11 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 1 – Permitted Uses is deleted in its entirety and replaced with:

Table 1 - Permitted Uses		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
Accessory Uses					
5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓		
		*Secondary dwelling units must be approved through a Temporary Use Permit			

- 1.12 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 2 – Permitted Buildings and Structures is deleted in its entirety and replaced with:

Table 2 - Permitted Buildings and Structures		R1	R2	R3	R4
1	Single family dwelling units	✓	✓	✓	

2	Multi-family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	
4	Buildings and structures accessory to a constructed multi-family dwelling unit				✓
5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	

1.13 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures is deleted in its entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3	R4
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	10%
5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3

1.14 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 4 – Height is deleted in its entirety and replaced with:

Table 4 – Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m

DE-BL-234

	• used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

1.15 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 5 – Setbacks is deleted in its entirety and replaced with:

Table 5 - Setbacks		R1	R2	R3	R4
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply					
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	• from the front lot line	7.5 m	7.5 m	30.0 m	10.0 m
	• from the rear or side lot line	3.0 m	3.0 m	30.0 m	10.0 m
	• from the exterior side lot line	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

1.16 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 6 – Floor Area is deleted in its entirety and replaced with:

Table 6 - Floor Area		R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²	10.0 m ²
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m ²	n/a
4	Maximum gross floor area of a dwelling unit in a multi-family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m ²	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m ²	100 m ²

1.17 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 7 – Subdivision is deleted in its entirety and replaced with:

Table 7 - Subdivision		R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	

2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha
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1.18 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new R4(2) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
R4(2)	- Despite line 2 of Table 2 of this Section, multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance. - Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8. - Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%. - Despite line 1 in Table 4 of this Section, the maximum height of principal buildings and structures located 100.0 metres or more from the natural boundary of the sea is 9.0 metres. - Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house - from the front lot line is 7.5 m - from the rear or side lot line is 3 m - from the exterior side lot line is 3 m - Despite line 2 in Table 5 of this Section, the minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except for domestic chicken coops is 8.0 m. - Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m. - Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 60 m². - Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.8 hectares. - Despite regulations 16 and 17 of Section 2.5, the minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit. - Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

1.19 PART 3 – ZONE REGULATIONS, Section 3.4 – “Resource Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new A(15) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

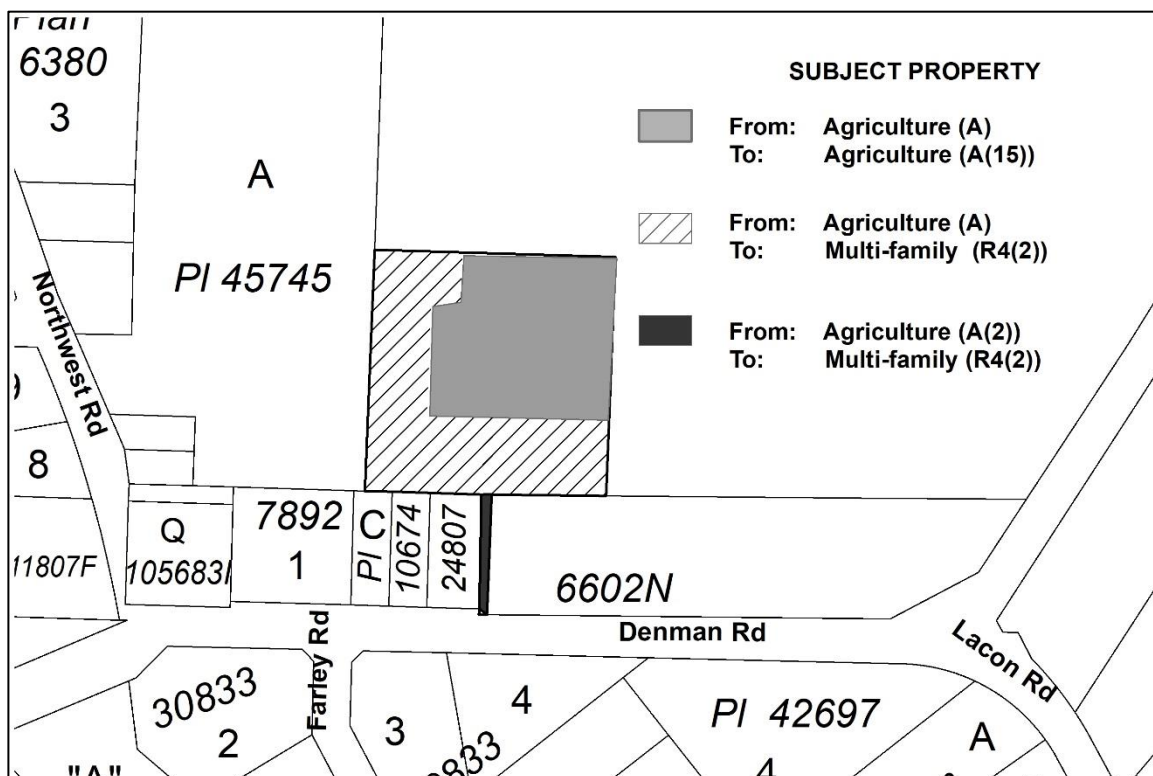
The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
A(15)	12 Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

2. Schedule "B" of Denman Island Land Use Bylaw, 2008 is amended as follows:
 - 2.1. Schedule "B" – North Sheet is amended by changing the name "North Sheet" to "North Map".
 - 2.2. Schedule "B" – South Sheet is amended by changing the name "South Sheet" to "South Map".
 - 2.3. Schedule "B" – North Map, is amended by changing the zoning classification of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 186 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 68031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision





Islands Trust

BYLAW REFERRAL FORM

Island: Denman Island Local Trust Area Bylaw Nos.: 233 & 234 Date: December 13, 2019

You are requested to comment on the attached Bylaws for potential effect on your agency's/organization's interests. Specifically, your comments are requested on the following:

1. the applicability and/or need to finalize and require the applicant to respond to the draft Water Assessment Terms of Reference (presented in [Staff Report](#) dated February 6, 2018) given the following:
 - that a provincial Conditional Groundwater Licence is issued (February 20, 2019) based on the information below (see Other Information section below);
 - that planning staff are considering the following:
 - amending the draft bylaws to allow the amount of water for this specific property and proposed use as per the Groundwater Licence (3.68 cubic metres),
 - implementing a Development Permit Area (DPA) to require the capture and re-use of rainwater for domestic use and irrigation (draft DPA guidelines are attached) and to be applied to the subject property, and
 - require the registration of a covenant to require any mitigating measures;
 - that water potability will be addressed through the Island Health Operating Permitting process;
2. given the foregoing, any potential mitigating measures that could be requested of the applicant to address any perceived shortcomings with respect to consistency with ITPS policies 4.4.2 and 4.4.3 and Denman OCP policies (Freshwater Policy 9; Water Management Policies 3, 6; Housing Policies-Zoning Amendment Policies 27, 28).

We would appreciate your response by December 27, 2019.

APPLICANTS NAME / ADDRESS:

Harlene Holm on behalf of Bev Severn and the Denman Island Community Land Trust Association
PID 009-708-537

PURPOSE OF BYLAWS:

The intent of **Bylaw No. 233**, if adopted, would amend the Denman Island Official Community Plan Bylaw No. 185, 2008 (OCP) by including new policies to: re-designate 0.8 ha portion of parcel from 'Sustainable Resource' to 'Residential,' allow smaller sized lots to be created by subdivision to allow future 2-3 lot subdivision on parcel, require consideration of residential rental tenure zoning for multi-family dwellings to ensure that affordability is maintained in perpetuity; require Energy Step Code compliance for new dwellings as a result of rezoning/density transfer.

The intent of **Bylaw No. 234** if adopted, would amend the Denman Island Land Use Bylaw No. 186, 2008(LUB) by rezoning the parcel to two new site specific zones 'A(15)' and 'R4(2)' zones to allow for the future 2-3 lot subdivision on parcel, allowing multi-family affordable housing by way of a residential rental tenure zone, regulating siting, size, lot coverage, parking, signage and several other land use parameters for the new R4(2) zone.

GENERAL LOCATION:

3730 Denman Road, Denman Island

OTHER INFORMATION:

The applicant is proposing an 8 unit seniors affordable housing development (4 duplexes) on a 0.8 hectare portion of PID 009-708-537. The applicant has obtained a Conditional Groundwater Licence (issued February 20, 2019) from the MFNRORD for a maximum quantity of water of 3.68 cubic metres per day diverted for industrial (commercial enterprise) purpose. The licence and cover letter include conditions of the licence. Planning staff and Ministry staff met in April 2019 to discuss the criteria relied upon by the Ministry to issue the water licence and how it may provide the confidence to support the development of bylaws that would be consistent with the [ITPS](#) policies 4.4.2 and 4.4.3 and [Denman Official Community Plan](#) policies (Freshwater Policy 9; Water Management Policies 3, 6; Housing Policies-Zoning Amendment Policies 27, 28). Please see page 3-4 of the [October 3, 2019 Staff Report](#) for a summary of the staff discussion with the Ministry. Planning staff concluded that the criteria used by the Ministry addresses the ITPS policies with respect to quantity.

PLEASE TURN OVER 

Additionally, it is anticipated that the applicant will be required to obtain an Operating Permit from Island Health and through that permitting process, treatment will be determined to ensure water is potable. Should the application proceed, planning staff will be recommending that the applicant be subject to a Development Permit Area and/or Covenant requiring the capture and re-use of rainwater to reduce groundwater consumption and any mitigating measures.

Please direct any communications regarding this referral to Marnie Eggen, Island Planner, at (250) 247-2210 or by email to meggen@islandstrust.bc.ca.

Please fill out the *Response Summary* attached to this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Marnie Eggen

(Signature)

Name: Marnie Eggen
Title: Island Planner

Response:

William Shulba, P.Geo
Senior Freshwater Specialist, Islands Trust
Licensed Science Officer, BC Public Service
January 09, 2020

1. The proposed development at 3730 Denman Road Plan EPP 68031 (Application DE-RZ-2017.1) is considered an industrial groundwater use classified as a *Commercial Enterprise* as defined in the *Water Sustainability Act*.

The applicant submitted a groundwater licence application (106290) with an associated technical assessment and requested an amount of a maximum of 3.68 cubic meters (3680 litres) of groundwater per day. Conditional Water Licence 500469 was issued for the requested maximum daily demand for any day of the year with a date of water right precedence of March 5, 2018. Several conditions are specified in licence including but not limited to installation of a flow metering device.

Prior to the applicant submission of groundwater licence application (106290), the document *Islands Trust Area Water Assessment Toolkit DRAFT Terms of Reference* was considered by the Denman LTC at their February 6, 2018 business meeting with respect to the proposed development at 3730 Denman Road Plan EPP 68031 (Application DE-RZ-2017.1). The intention of this document was to (a) request further information from the applicant in order to address the Islands Trust mandate, policy statement, and land-use bylaws; (b) provide guidance through technical assessment requirements typically used in support of application for non-domestic groundwater use in British Columbia as per the *Water Protection and Sustainability Branch of Ministry of Environment* and; (c) contribute to a better understanding of groundwater resources on Denman Island.

Groundwater licence application (106290) deviated from proof of water requirements in the Denman Island Land Use Bylaw (1200 litres per day per dwelling unit equaling 9600 litres per day for the proposed development) and deviated from typical technical assessment requirements that support application for non-domestic groundwater use in British Columbia.

Due to the issuance of Conditional Water License 500469 with associated investigation of Groundwater Licence Application 106290 by the Ministry of Forests, Lands, Natural Resources, and Rural Development; the *Islands Trust Area Water Assessment Toolkit DRAFT Terms of Reference* is no longer applicable to Application DE-RZ-2017.1 and should be repudiated.

2. As identified in Ministry of Forests, Lands, Natural Resources, and Rural Development investigation documentation relating to Conditional Water License 500469, the general location of 3730 Denman Road is determined to be at moderate to high risk of salt water intrusion to groundwater wells.

To mitigate this risk, requirements included in the Conditional Water License 500469 include:

- A. The licensee must collect water quality samples for saltwater intrusion indicator parameters including chloride, specific electrical conductivity and total dissolved solids from WTN 113477 at a minimum of once annually for the first three years of regular operation of the well. Sampling must take place during the driest time of the year, follow standard procedures for purging and sampling, and be submitted to an accredited laboratory for analysis,*
- B. Following the first three years of sampling, the licensee must collect water quality samples for saltwater intrusion indicator parameters as specified above at a minimum of once every five years,*
- C. Water quality sample results must be compared to the following operational objectives:*
 - i. Chloride: ≤ 150 mg/l;*
 - ii. Specific electrical conductivity: ≤ 1000 μ S/cm; and*
 - iii. Total dissolved solids: ≤ 700 mg/L;*
- D. If any of the above operational objectives are exceeded, the licensee must notify the West Coast Regional Water Manager within 30 days of receiving the water quality sample analysis results;*
- E. The licensee must also install a flow measuring device to measure groundwater volumes diverted from the well prior to treatment of the water. Records of groundwater diversion volumes must be retained for inspection by the Water Manager upon request.*

In addition to the requirements of Conditional Water License 500469, an evidence-based approach using continuous monitoring and annual reporting is recommended to (a) ensure sufficient environmental protection from water quantity issues relating to proposed development, (b) ensure water sustainability in a changing climate; (c) ensure sufficient water conservation strategies to satisfy deviation from water requirements in the Denman Island Land Use Bylaw; and (d) mitigate risk potential of salt water intrusion on the source well and/or receiving environment.

More specifically, continuous monitoring and annual reporting are recommended as mitigating measures for the following reasons:

- Continuous long-term monitoring of groundwater levels identifies periods of groundwater drought to determine conservation strategies if drought-action is needed.
- Continuous monitoring of electrical-conductivity can provide an early warning to saltwater intrusion and help the applicant comply with conditions of the water license (Section 58 of the *Water Sustainability Act* requires that the well must not be operated in a manner that causes saltwater intrusion and has significant adverse impacts on a well, aquifer or hydraulically connected stream).
- Continuous monitoring of groundwater well parameters in concert with flow metering (required as a part of the water licence) can assist the best management practices required for a sustainable groundwater supply and protect the receiving environment from water quality and quantity issues.
- Continuous monitoring implemented prior to development can provide baseline data that would further inform the performance of the water service, ensure that the

- development is operating with a sustainable groundwater supply, and offer a community amenity by observing in general the health and function of the aquifer.
- Annual monitoring reporting to the Islands Trust beyond the sampling required by the water licence would provide a community amenity by providing a level of assurance that the proposed development operates in a sustainable manner into the future. Further to preventing saltwater intrusion, continuous monitoring will provide valuable information that could contribute to water sustainability strategies for affordable housing for Denman Island and the Islands Trust Area. Annual reporting should continue for the lifetime of the development.

Continuous monitoring has been implemented through the Provincial Groundwater Observation Wells Network since 1961 in desired aquifer monitoring locations including one location on Denman Island and for water service systems throughout the Province. Continuous monitoring requires a datalogger device to record stable, predictable, and repeatable observations every second, minute, or hour, depending on the desired outcome. Typically for long-term groundwater observations every 15 minutes is desired with data collection occurring every day, week, month, or even yearly downloads depending on desired outcomes and applicability. This datalogger should be installed on a direct read smart cable to allow for downloading at the well head or to be installed with telemetry to upload to a desktop application remotely.

Continuous monitoring and annual reporting of groundwater levels, groundwater temperature, and groundwater electrical-conductivity are recommended to be undertaken with an industry-standard pressure transducer datalogger such as Solinst Levellogger, the same device used in the Provincial Groundwater Wells Observation Network and the Salt Spring Island Groundwater Wells Monitoring Pilot project.

ATTACHMENT # 4 – APPLICANT/AGENT REZONING REQUESTS AND CURRENT DRAFT BYLAW AMENDMENTS No.234 (LUB)

DE-RZ-2017.1(DCLTA)

Rezoning Requests of Applicant/Agent (DE-RZ-2017.1) to date	Reflected in Draft Bylaw Amendments No. 234 (LUB)	Staff Comments
- Rezoning the lot to a site specific zone for a max. of 8 seniors affordable housing units and include: - wording for “seniors affordable housing dwelling unit”, - limit dwelling units to duplexes.	Yes (1.2, 1.10, 1.18)	- Added new Residential zone named “Affordable Housing R4”. - Added new site specific zone R4(2) that specifically allows 8 “seniors affordable housing dwelling units.” - Added new definition “seniors affordable housing dwelling unit” is as proposed by applicant. - Limited senior affordable housing dwelling units to buildings with only two dwelling units (i.e. duplex).
Do not include “Parks” and “Utilities” in permitted principal uses and associated buildings and structures to accommodate use.	No	Not supported by staff. Parks and utilities are a permitted use in all land based zones and apply to all lots regardless of size/permitted use. Parks “means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the Park Act or the Park (Regional) Act, and includes playgrounds and playing fields”; utilities “means water, sewer, electrical, telephone and similar services where established by a government body or by a company operating under the Utilities Commission Act, and where such use is intended for the local community.” If removed, this lot would be the only lot on Denman Island that didn’t permit Parks and Utilities, and would require a rezoning in the future if land owners wished to add a park or require a utilities building/structure to provide services to the development.
Do not include Home Occupations as an accessory use or limit Home Occupations to only the following only if amendment can regulate additional traffic and water use: general business offices, professional offices, including health services, personal services, food processing.	Yes (1.11)	- Home Occupations is removed as an accessory use. - Daily water use in this case is regulated by MFLNRORD as per the issued Conditional Water Licence. Staff advised the applicant that the scale of home occupation uses as suggested by the applicant can be further limited by the general home occupation regulations in the current LUB (i.e. can only be operated within a dwelling unit and not in an accessory building/outside), given the proposed size of the lot (< 1.0 ha); can only take up 60% of the dwelling unit, which would equal 387 sq. ft., given the proposed size of dwelling unit (60 sq. m.).
Include horticulture and agriculture as an accessory use and allow buildings and structures to accommodate use.	Yes (1.11, 1.12)	Permitted in all Residential zones.
Do not include occasional wood working and wood processing as an accessory use and portable sawmill to accommodate use.	Yes (1.11, 1.12)	Staff supported.

Rezoning Requests of Applicant/Agent (DE-RZ-2017.1) to date	Reflected in Draft Bylaw Amendments No. 234 (LUB)	Staff Comments
Include generation of electricity from non-polluting renewable sources as an accessory use and allow max. 3 buildings and structures to accommodate use.	Yes (1.11, 1.12, 1.13)	Staff supported. Staff note that a recent site plan received Oct. 3, 2019 indicates a plan for more than 3 solar array structures. Applicant to confirm proposed number of structures.
Include a definition of "senior as a person aged 65 years or older."	No	Not supported by staff. Recommend including such a definition in Housing Agreement instead so as to avoid the need for a rezoning should the land owner wish to change the parameters of who should reside in the units. Staff anticipate legal review to inform the LTC on whether such a definition is appropriate in the LUB.
- Include site specific zoning for seniors affordable housing to include the following specific provisions: - Min. 3 m setback for buildings and structures from rear, side, and exterior lot lines, including ALR boundary	Yes (1.18)	3 m setback to ALR boundary not supported by staff; this deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning. Staff anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate.
Min. 7.5 m setback for buildings and structures from front lot line	Yes (1.18)	Staff supported.
Min. 8 m setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, and 3 m setback for domestic chicken coops	Yes (1.18)	Setbacks in keeping with proposed lot size of 0.8 ha.
Max. height of 9 m for principal buildings and structures	Yes (1.18)	Reduced from 12m. 9 m is the standard max. height for principal single residential dwelling units. A variance application would be required should building plans change to accommodate a need for taller buildings.
Max. height of 6 m for accessory buildings and structures	Yes (1.14)	6 m is the standard max. height for accessory buildings and structures.
Max. height of 15 m for buildings and structures for Agriculture	Yes (1.14)	15 m is standard max. height for accessory buildings and structures for agriculture.
Max. height of 2 m for fence	Yes (1.14)	2 m is standard max. height for fence.
Max. height of 2.5 m for pump/utility house located within setback area	Yes (1.14)	2.5 m is standard max. height for structure.
Lot coverage maximum of 25%	Yes (1.18)	- Increased from 20%. - Relatively appropriate for proposed use; although the greater the lot coverage, the more it can impact rural character. Staff note the lot coverage is 40% for adjacent lots zoned Commercial and Institutional.
Max. gross floor area of 10 m² of a pump/utility house located within a setback area	Yes (1.16)	Staff supported. An increase from 6.0 m² in other residential zones.
Max. gross floor area of a seniors affordable dwelling unit is 60 m².	Yes (1.18)	Staff supported.
Max. combined gross floor area of 100 m² of all accessory buildings and structures.	Yes (1.16)	Staff supported.
Min. 1.5 Vehicle parking spaces/dwelling	Yes (1.18)	Decreased from min. 2 vehicle parking spaces/dwelling (=total min. of 12 parking spaces for 8 dwellings)

Rezoning Requests of Applicant/Agent (DE-RZ-2017.1) to date	Reflected in Draft Bylaw Amendments No. 234 (LUB)	Staff Comments
no bicycle parking spaces	No	Instead, a min. of 0.5 bicycle parking spaces per dwelling unit are included in the draft amendment. Staff recommend that this is reasonable because of the vehicle parking space reduction, and is consistent with ITPS directive policy 5.3.7 helping to reduce dependency on private automobile use and speaks to Islands Trust's efforts to match their Climate Change Emergency declaration.
Include a min. lot area of 0.8 ha permitted by subdivision for seniors affordable housing portion.	Yes (1.18)	Future MOTI PLA for anticipated strata subdivision required to determine if further amendments are necessary.
Include reference to "Use of Common Property" and "strata lot" as in the Salt Spring Land Use Bylaw.	N/A	Future MOTI PLA for anticipated strata subdivision required to determine if further amendments are necessary.
Rezone ALR portion to R1(5) and set minimum lot area for a principal single family dwelling unit to 0.8 ha.	N/A	ALR portion is rezoned to A(15) to accommodate anticipated 0.8 ha lot size & provision to set min. lot area for existing dwelling unit unnecessary, current LUB already accommodates.



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 28, 2019

ALC File: 54694

Harlene Holm
Denman Community Land Trust Association
DELIVERED ELECTRONICALLY

Dear Harlene Holm:

Re: Application 54694 to Exclude Land from the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Chief Executive Officer for the above noted application (Resolution #448/2019). As agent, it is your responsibility to notify the applicant accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Aimee McGowan at ALC.Island@gov.bc.ca.

Yours truly,

Aimee McGowan, Land Use Planner

Enclosures: Reasons for Decision (Resolution #448/2019)
Schedule A: ALC Decision Map

cc: Islands Trust – Northern Office (File: DE-ALR-2015.1)

54694d3



AGRICULTURAL LAND COMMISSION FILE 54694

REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

Exclusion Application Submitted Under s. 30(1) of the *Agricultural Land Commission Act*

Applicant: Beverly Severn

Agent: Harlene Holm

Property: Parcel Identifier: 009-708-537
Legal Description: Parcel M (DD 6601N) of Section
18, Denman Island, Nanaimo District, except that
part in Plan 24807
Area: 1.6 ha

Chief Executive Officer: Kim Grout
(the “CEO”)

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] In 2016, the Applicant, in conjunction with the Denman Community Land Trust Association (the "DCLTA"), applied to the Agricultural Land Commission (the "Commission") to exclude the 1.6 ha Property from the ALR for the establishment of eight units of affordable seniors' housing for Denman Island residents (the "Proposal").
- [3] By Agricultural Land Commission (ALC) Resolution #389/2016, dated November 15, 2016, the Island Panel (the "Panel") conditionally approved the Proposal; however, the Panel approved the decision based on the understanding that the entire Property was going to be developed as seniors' affordable housing (the "Original Decision"). The Agent subsequently clarified that only half of the Property was intended for that use, and the Applicant (i.e. Beverly Severn) was to remain living on the other half of the excluded portion.
- [4] In 2018, the Agent submitted a Request for Reconsideration to the Commission to rectify the discrepancy in the decision. Upon consideration of the Request for Reconsideration of ALC Resolution #389/2016, the ALC Executive Committee determined that the Original Decision was based on information that may be in error or false and that the information would have been germane to the review of the Application by the Panel.
- [5] In accordance with s. 11.1(3) of the *ALCA*, the Chair of the Commission referred the Request for Reconsideration of the Original Decision to the Panel.
- [6] By ALC Resolution #359/2018, dated November 14, 2018, the Panel refused the revised proposal to exclude the 1.6 ha Property for both affordable housing and to create a homesite for the landowner. The Panel upheld the Original Decision (ALC Resolution #389/2016), to exclude the 1.6 ha Property for the establishment of affordable seniors' housing. Alternatively, the Panel approved the exclusion of a ± 0.8 ha portion of the Property for the establishment of affordable seniors' housing, subject to conditions, including:
- a. the submission of a survey plan delineating the area to be excluded.

- [7] On November 13, 2019, the Agent submitted a letter requesting an amendment to condition 'a' of ALC Resolution #359/2018 as it relates to delineating the area to be excluded from the ALR.
- [8] In the request, the Agent explained that the access lane to the Applicant's ALR portion of the Property, outlined in green in the decision map of ALC Resolution #359/2018, creates an ALR access that bisects the non-ALR area approved for development as affordable seniors housing. The access lane was intended to be common property held by the strata subdivision partners, DCLTA, and the Applicant (and any future owner of her strata parcel), and not to be used solely to access the Applicant's ALR portion of the Property.
- [9] The Agent explained that the Property has access to Denman Road via an easement granted through an adjacent property in 1978. DCLTA, as part of its Land Purchase Agreement with the Applicant, purchased the easement from the adjacent property and is concluding work with the BC Land Title & Survey Authority to make the lane part of the Property. The proposed strata subdivision plan for the Property would designate the entire access lane as "common area – road access." As a "common area," the lane would be common property held by both strata partners and maintained by DCLTA. Further, it would provide unimpeded access to Denman Road for both the portion of the Property to remain in the ALR and the ± 0.8 ha portion approved for exclusion.
- [10] For the above reasons, the Agent is requesting that the Commission grant an amendment to condition 'a' of ALC Resolution #359/2018 to add the access lane to the ± 0.8 ha approved for exclusion, as access to the portion of the Property that is to remain in the ALR will be granted by way of a common property access road (the "Revised Proposal").
- [11] Under Section 27 of the ALCA the ALC, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use applications. By resolution, the Commission has specified that the following applications may be decided by the CEO:

8. Requests for variations or removal of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, and non-farm use applications that are consistent with the intent of the Commission's original decision.

DECISION

[12] After reviewing the Application, I am satisfied that the Revised Proposal is consistent with Criterion #8 and approve an amended survey plan delineating the area to be excluded to incorporate the lane outlined in green in the decision map of ALC Resolution #359/2018 to the ± 0.8 ha portion approved for exclusion.

[13] The Proposal is approved subject to the following conditions:

- a. the submission of a survey plan delineating the area to be excluded, in substantial compliance with the amended design (Schedule A);
- b. the Commission receive and approve confirmation that unimpeded access, by way of a common area road, has been provided to the portion of the Property that is to remain in the ALR in perpetuity;
- c. the Commission receive and approve a vegetative buffer and fencing plan between the area of the Property approved for exclusion and adjacent agricultural lands, and that the buffer be on the non-ALR side;
- d. photographic evidence of the fencing and vegetative buffer;
- e. re-zoning of the non-ALR portion of the Property to allow for affordable seniors' housing;
- f. the Commission receive and approve a housing agreement to be registered on Title ensuring that the land use, tenancy selection and occupancy support the continuing use of the land for affordable seniors housing; and
- g. the conditions be completed within three (3) years of the date of release of this decision.



[14] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the exclusion.

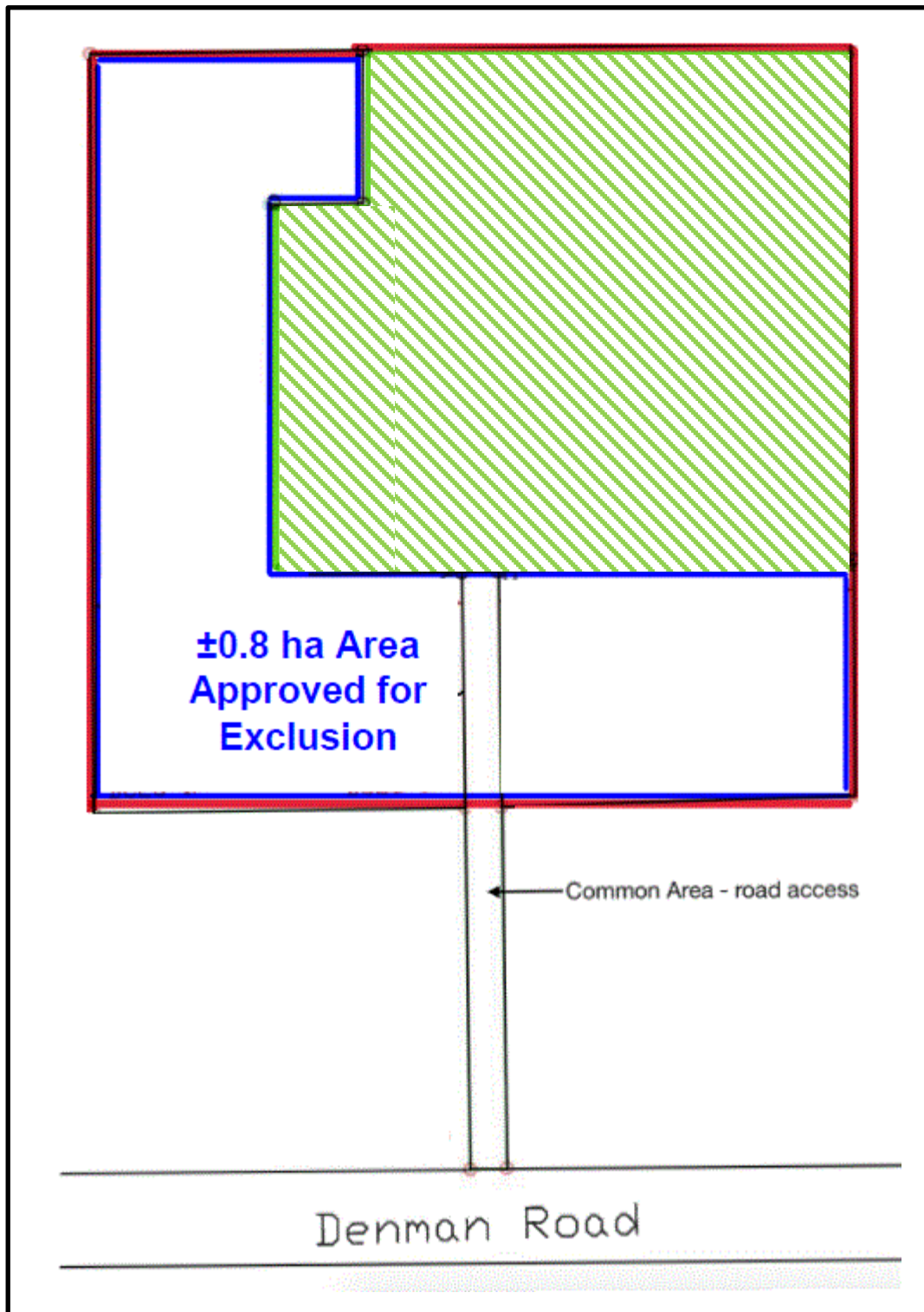
[15] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[16] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

[17] Resolution #448/2019
Released on November 28, 2019

A handwritten signature in black ink, appearing to read 'Kim Grout', is positioned above the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kim Grout, Chief Executive Officer



Conditionally Approved Exclusion (±0.8 ha)



The Property



Portion of the Property to Remain in the ALR



Denman Island Official Community Plan Bylaw No. 185, 2008

As amended by the
Denman Island Local Trust Committee

Consolidated Version: February, 2017

MOCK CONSOLIDATED VERSION – JAN 14 2020
BYLAW 233 AND 235

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 198	Amendment No. 2, 2010	August 3, 2010
Bylaw No. 199	Amendment No.1, 2011	August 15, 2011
Bylaw No. 210	Amendment No. 1, 2014	November 30, 2014
Bylaw No. 212	Amendment No. 2, 2014	May 17, 2016
Bylaw No. 219	Amendment No. 2, 2015	January 31, 2017
Bylaw No 233	Amendment No. 1, 2019	
Bylaw No 235	Amendment No 2, 2019	

E.1 - HOUSING

Some islanders are concerned that growth and development of Denman Island could produce an accompanying sharp rise in land prices and could lead to a decrease in the diversity of the population in coming years. Comments submitted during the development of this Plan expressed a desire for a wide range of housing options to limit this possibility. As a result, this Plan introduces alternatives to the current land use pattern. Nonetheless, single family lots will continue to make up the majority of the land base on Denman Island.

This community acknowledges the need for affordable and special needs housing to maintain a diverse population in the face of rising land prices and to encourage seniors to remain on the Island. Limits on these forms of housing are designed to address the possible negative impact of locally increased density. Initiatives to provide opportunities for affordable housing of various kinds are ongoing.

The Residential designation, which is shown on Schedule C, includes the smaller lot subdivisions on the Island in which the existing principal use is single family residential.

The Rural designation, which is shown on Schedule C, includes the predominantly larger lots on the Island in which the existing principal use is single family residential.

The Sustainable Resource designation, which is shown on Schedule C, includes all of the large forested and agriculture lots on the Island, in which the existing principal use is locally operated sustainable resource harvesting.

Guiding Objective

To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community

Housing - Objectives

- | | |
|-------------|--|
| Objective 1 | To ensure that housing options are sensitive to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island |
| Objective 2 | To ensure housing options preserve human diversity in the community |
| Objective 3 | To set the maximum for the overall residential density of the Island as the residential density possible with the zoning regulations in place at the time of adoption of this Plan while providing flexibility for a range of dwelling types |
| Objective 4 | To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for Island seniors to remain in the community, especially in their own or their families' homes |
| Objective 5 | To protect and enhance the supply and quality of rental housing for low income households |

Housing - Policies

Subdivision

- | | |
|----------|--|
| Policy 1 | In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare except for lots created for the purpose of allowing multi-family affordable housing. In areas where the subdivision potential of the existing parcel may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size in the zoning regulations. |
| Policy 2 | In the Rural designation, the size of new lots created by subdivision may not be less than 2.0 hectares and the average lot size created by subdivision may |

Commented [BM1]: Bylaw 233 Amendment 1.1 (Added Jan 2020)
Bylaw 235 Amendment 1.1

Commented [BM2]: Bylaw 233 Amendment 1.2 (Renumbered Jan 2020)

Denman Island Official Community Plan, 2008

not be less than 4.0 hectares. In areas where the existing parcel size may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size and the minimum for the average parcel size in the zoning regulations.

Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares.

INFORMATION NOTE: Subdivision of land in the Agricultural Land Reserve requires the prior approval of the Agricultural Land Commission.

Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing.

Policy 5 In the Sustainable Resource designation, the lot size averaging provision should not be used.

Policy 6 In the Sustainable Resource designation, parcel sizes should be regulated in such a way as to encourage and enhance the sustainable resource capability of the land.

Policy 7 When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.

Policy 8 In the Residential designation, parcel consolidations are encouraged wherever possible.

Use and Density

Policy 9 In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:

- The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
- Multi-family affordable housing through the completion of a successful rezoning application.

Policy 10 In the Residential designation, unless otherwise permitted by Policy 28, 29, or 30, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area. Multi-family affordable housing may be considered by an application for rezoning in the Rural designation.

Policy 11 In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.

Policy 12 The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.

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Commented [BM9]: Bylaw 233 Amendment 1.4 and Amendment 1.5 (Renumbered Jan 2020) Bylaw 235 Amendment 1.2

Commented [BM10]: Bylaw 233 Amendment 1.6 and Amendment 1.7 (Renumbered Jan 2020)

Commented [BM11]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)

Commented [BM12]: Bylaw 235 Amendment 1.3

Commented [BM13]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)

Commented [BM14]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)

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		Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy .	Commented [BM15]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 13	Landowners are encouraged to ensure that all dwelling units comply with the building safety and waste disposal regulations found in the B.C. Building Code and the applicable health standards .	Commented [BM16]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
BL 210	Policy 14	In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel .	Commented [BM17]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 15	In the Sustainable Resource designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve: - one dwelling could be permitted per the minimum lot area permitted by Subdivision; and - additional dwellings could be permitted if they are required for full-time farm help.	Commented [BM18]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
BL 210	Policy 16	The Local Trust Committee may approve secondary dwelling units on lands within the "Rural" and "Sustainable Resources" designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan .	Commented [BM19]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
BL 210	Policy 17	Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space .	Commented [BM20]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
INFORMATION NOTE: A secondary dwelling unit on land in the Agricultural Land Reserve requires the approval of the Agricultural Land Commission.			
	Policy 18	The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing .	Commented [BM21]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 19	The Local Trust Committee should consider amendments to this Plan allowing the Committee to accept and hold for affordable housing purposes, in accordance with the guidelines in Appendix D, any unused residential densities that are relinquished by owners of lots with subdivision potential or available through land sold or given for conservation or park .	Commented [BM22]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 20	The Local Trust Committee should review the policies in this section once the final report is available for the Hornby and Denman Island Housing Needs Assessment, with a view to determining whether further opportunities for affordable housing are needed and what form any such opportunities should take .	Commented [BM23]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
Siting			
	Policy 21	Land owners and residents are encouraged to maintain low-level directed lighting that is in keeping with the rural character of Denman Island and does not unduly illuminate an adjacent lot .	Commented [BM24]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 22	Zoning regulations should establish setbacks for buildings and other structures from lot lines, and should establish sufficient setbacks to protect watercourses on Denman Island and to protect development from flooding or other such hazards. In the case of fish-bearing or potential fish-bearing streams setbacks should be adequate to protect the riparian habitat consistent with the <i>Riparian Area Regulation</i> under the <i>Fish Protection Act</i> .	Commented [BM25]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 23	Zoning regulations should establish sufficient setbacks to protect the foreshore and coastal marine environment and to protect development from foreshore erosion .	Commented [BM26]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 24	Zoning regulations should establish sufficient setbacks for septic disposal systems:	

Denman Island Official Community Plan, 2008

- to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and
 - to protect adjacent properties from effluent or **odours**.
- Policy 25 Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring **properties**.

Commented [BM27]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Commented [BM28]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Zoning Amendments

- Policy 26 The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.

- Policy 27 Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on **title**.

Commented [BM29]: Bylaw 233 Amendment 1.4 and 1.8
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.4

- Policy 28 The Local Trust Committee should consider zoning amendment applications for seniors housing provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal is small-scale;
- that the siting and height of the proposal is sensitive to the surrounding land uses and does not impact negatively on adjacent properties;
- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that the applicants enter into a housing agreement with the Local Trust Committee;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposal is designated a development permit area to guide form and character; and
- that the proposed development will not place a strain on existing public services and **infrastructure**.

Commented [BM30]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

- Policy 29 The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal does not impact negatively on adjacent properties;
- that the proposal is small-scale;
- that the proposal is clustered and the siting and height are sensitive to surrounding land uses;
- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposed development will not place a strain on existing public services and **infrastructure**.
- that residential rental tenure zoning is considered to ensure affordability is maintained in **perpetuity**.

Commented [BM31]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Commented [BM32]: Bylaw 233 Amendment 1.9
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.5

- Policy 30 The Local Trust Committee should consider zoning amendment applications:
- to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction;
 - to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and
 - to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District.
- Policy 31 The provision for density transfer in Appendix C of this Plan may apply to the donation or sale of land for the development of multi-family affordable housing projects that include protection of the natural environment.

Commented [BM33]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Commented [BM34]: Bylaw 235 Amendment 1.6

DEVELOPMENT APPROVAL INFORMATION - CIRCUMSTANCES AND SPECIAL CONDITIONS

- Policy 32 Applicants for a zoning amendment in the Residential or Rural designation in this Plan, may be required to provide development approval information.
- Policy 33 The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Residential and Rural designations.

Commented [BM35]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.6

Commented [BM36]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.6

Housing - Advocacy Policies

- Advocacy Policy 1 The Vancouver Island Health Authority and landowners are encouraged:
- to consider, as an alternative, innovative methods of waste water treatment that minimize water use; and
 - to consider rain water collection as a source of water.
- Advocacy Policy 2 The Ministry of Community Development is encouraged to assist individuals or groups planning affordable or special needs housing projects.
- Advocacy Policy 3 The Comox Valley Regional District is encouraged to work with the Denman Island community to review its regulations with regard to noise pollution and animal control.

APPENDIX C

DENSITY TRANSFER

Density transfer refers to two consecutive zoning amendments undertaken to protect a specified property by removing some or all of the development potential from one property and transferring that density to another property or to another portion of the same property. On Denman Island, the Local Trust Committee is willing to consider using density transfer to permit multi-family affordable housing with formal protection of the natural environment; permit a land owner to give or sell land to a conservation organization, or dedicate land for park, without losing the subdivision potential of the property. There is no net increase in residential density because the residential density that is transferred simply replaces that of the lot protected by covenant or Development Permit Area, given to the conservation agency or dedicated as park.

Commented [BM37]: Bylaw 235 Amendment 1.7

Commented [BM38]: Bylaw 235 Amendment 1.7

Policies

- Policy 1 The Local Trust Committee may consider applications for density transfer for multi-family affordable housing, conservation and park purposes only. Eligible situations are limited to the following:
- donation or sale of land for a multi-family affordable housing development that results in protection of the natural environment on the same parcel through a restrictive covenant or Development Area; or
 - dedication of land for a park; or
 - donation or sale of land for conservation purposes

Commented [BM39]: Bylaw 235 Amendment 1.8

Guidelines for Density Transfer

- Guideline 1 Transfer of residential density should only be considered for the eligible situations listed under Policy 1 of this Appendix.
- Guideline 2 The original parcel on which the land is being protected under Policy 1 of this Appendix is referred to as the parent parcel.
- Guideline 3 The parcel of land to be given or sold to a conservation organization or dedicated as park is referred to as the protected parcel.
- Guideline 4 The original parcel of land which is subject to a reduction in development potential in order to transfer the density to another parcel(s) for the purposes of multi-family affordable housing is referred to as the donor parcel.
- Guideline 5 The parcel of land to which the density is being transferred is referred to as the receiving parcel.
- Guideline 6 Where the receiver parcel is intended for multi-family affordable housing, the following are required:
- a housing agreement to the satisfaction of the Local Trust Committee to protect the receiver parcel in perpetuity for the purposes of providing multi-family affordable housing; and
 - protection of the natural environment on the receiver parcel by way of a restrictive or conservation covenant or Development Permit Area.

Commented [BM40]: Bylaw 235 Amendment 1.9

Commented [BM41]: Bylaw 234 Amendment 1.9

Commented [BM42]: Bylaw 235 Amendment 1.10

Denman Island Official Community Plan, 2008

Density transfer to permit the provision of land under Policy 1 of this appendix should result in no net overall increase in residential density.

Guideline 7 Density transfer to permit the provision of land under Policy 1 of this appendix should result in no net overall increase in residential density.

Commented [BM43]: Bylaw 235 Amendment 1.10

Guideline 8 Calculation of the number of residential densities will be based on the area of the protected parcel divided by the minimum average lot size for the zone in which the protected parcel is located (in the absence of a minimum average lot size, the minimum lot size shall be used).

Commented [BM44]: Bylaw 235 Amendment 1.10

Guideline 9 In the event the above calculation results in a fraction, the number may be rounded up to the nearest whole number provided that by rounding the number up there is no net increase in residential density on the parent parcel.

Commented [BM45]: Bylaw 235 Amendment 1.10

INFORMATION NOTE: Under the Land Use Bylaw, residential density is rounded down in the event of a fraction. For example, if the minimum average lot size is 2.0 hectares, a parcel of 8.5 hectares would be permitted 4 residential densities (8.5 divided by 2 equals 4.25, which rounds down to 4). Rounding up in the guideline above will result in no loss or gain of residential densities. For example, on the 8.5 hectare lot above, if 0.5 hectares is donated or sold, no additional density shall be given as the remaining 8.0 hectares still has a potential of 4 residential dwellings. On the other hand, if 0.6 hectares is donated or sold, one additional density will be given as the remaining 7.9 hectares would only have potential for 3 residential dwellings.

Guideline 10 Applications that affect land in the Agricultural Land Reserve will be subject to the approval of the Agricultural Land Commission.

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Guideline 11 Where the protected parcel is intended for conservation, the density transfer is conditional on the conservation organization agreeing to accept the protected parcel and the Local Trust Committee considering the protected parcel suitable for conservation purposes.

Commented [BM47]: Bylaw 235 Amendment 1.10

Guideline 12 Where the protected parcel is intended as park, the density transfer is conditional on the relevant government agency agreeing to accept the protected parcel for a park and the Local Trust Committee considering the protected parcel suitable for park purposes.

Commented [BM48]: Bylaw 235 Amendment 1.10

Guideline 13 The minimum lot size for the receiving parcel resulting from density transfer zoning amendments in any designation is 1.0 hectare, provided adequate potable water and sewage disposal capacity is demonstrated.

Commented [BM49]: Bylaw 235 Amendment 1.10

Guideline 14 Applicants for a density transfer zoning amendment that includes sensitive areas shown on Schedule D or in a development permit area shown on Schedule E may be required to provide Development Approval Information for the special conditions outlined in Guideline 13 of this Appendix.

Commented [BM50]: Bylaw 235 Amendment 1.10

Guideline 15 The areas shown on Schedule D and the development permit area for the protection of the natural environment shown on Schedule E are environmentally sensitive areas in which development is not encouraged. Development Approval Information may be required to help the Local Trust Committee determine appropriate uses, density and siting of development resulting from a density transfer zoning application.

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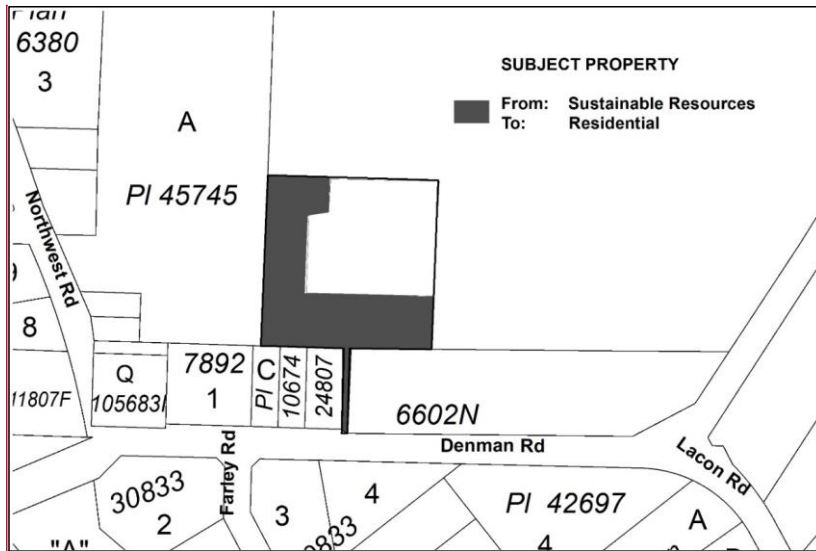
Guideline 16 The protected parcel must be secured in perpetuity for conservation or park either by dedication or the registration of a covenant that restricts the use of the protected parcel to conservation or park.

Commented [BM52]: Bylaw 235 Amendment 1.10

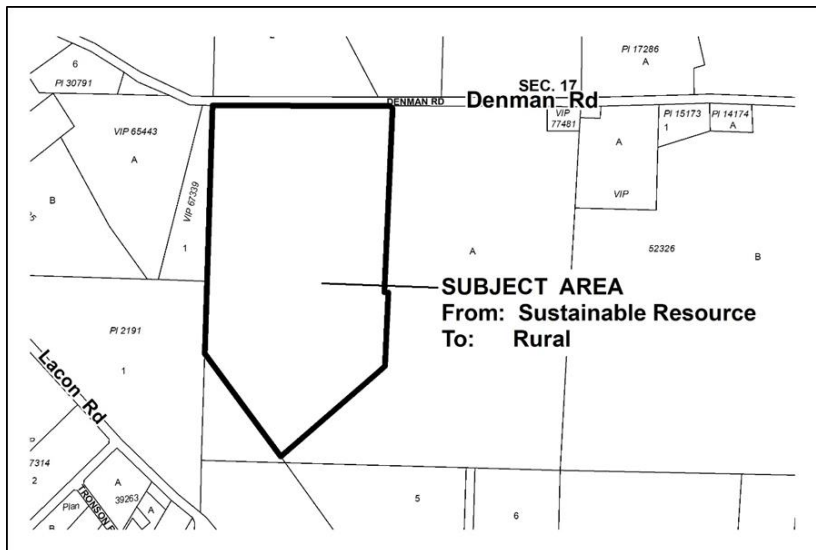
Guideline 17 Density transfer zoning applications should be consistent with all other policies of this Plan.

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Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:



Commented [ME1]: Bylaw 233 Schedule 2 Amendment 1
 Changes Jan 2020



Commented [ME2]: Bylaw 235 Schedule 2 Amendment 1



Denman Island Land Use Bylaw

Bylaw No. 186, 2008

As amended by the
Denman Island Local Trust Committee

MOCK CONSOLIDATED VERSION – JANUARY 14, 2020

Consolidated Version: July, 2018

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments,
please contact:

Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 190	Amendment No. 1, 2009	April 13, 2010
Bylaw No. 194	Amendment No. 3, 2009	August 3, 2010
Bylaw No. 195	Amendment No. 1, 2010	June 21, 2011
Bylaw No. 200	Amendment No. 1, 2011	August 15, 2011
Bylaw No. 204	Amendment No. 1, 2012	September 24, 2013
Bylaw No. 211	Amendment No. 1, 2014	November 28, 2014
Bylaw No. 213	Amendment No. 2, 2014	May 17, 2016
Bylaw No. 216	Amendment No. 1, 2015	January 28, 2016
Bylaw No. 220	Amendment No. 3, 2015	February 1, 2017
Bylaw No. 225	Amendment No. 1, 2017	June 26, 2018
Bylaw No. 234	Amendment No. 1, 2019	
Bylaw No. 236	Amendment No. 2, 2019	

Denman Island Land Use Bylaw, 2008

community kitchen means a shared-use commercial processing area that is agency approved for preparing foods that may be sold elsewhere or for such things as catered functions;

community water system means a system for the supply of water serving two or more customers as approved by a public authority;

constructed top width means the width of the relatively level portion of a road, measured between the insides of the ditches, shoulders, cutbanks, or fills;

constructed total width means the width of a road, including the constructed ditches, shoulders, cutbanks, or fills;

covered walkway means a structure that shelters a walking area by a roof or awning and that is connected to a building;

dangerous tree means a tree that is hazardous to human safety because of location or lean, physical damage, overhead hazards, deterioration of the limbs, stem or root system, or a combination of these;

dbh means the diameter at breast height measured outside the bark around the trunk of the tree at 1.3 m above the point of germination;

derelict vehicle means any vehicle that has been unlicensed for 12 months or more;

domestic chicken coop means a building or structure used for accommodating chickens that are used for non-commercial purposes;

dwelling, multi-family means a building containing two or more dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

dwelling unit means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy;

dwelling unit, affordable housing means a deed restricted and/or rent controlled *dwelling unit* that is secured by a housing agreement, and is available to persons with a low income as defined by housing agreement for the dwelling unit;

dwelling unit, seniors affordable housing means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement;

dwelling unit, single family means a building containing one dwelling unit;

Engineer means a member of the Association of Professional Engineers and Geoscientists of British Columbia;

Feedlot means commercial operation containing a fenced area where livestock, poultry or farmed game is confined solely for the purpose of growing or finishing and is sustained by means other than grazing, but excludes confinement of animals for domestic purposes;

fill means uncontaminated earth, sand, gravel or any other similar material used, or capable of being used, to raise the contour of the ground surface;

food processing in regards to a home occupation means the creation of packaged food products intended for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities;

front yard means the area of a lot located between the front lot line and the front wall of the building closest to that lot line, and extending the full width of the lot;

forest fungi means naturally growing mushrooms or similar products that may be cultivated using wood products from local trees and excludes mushrooms grown on manure;

forestry sales mean the sale of lumber, timber, posts, and other similar wood products, but excludes the sale of goods manufactured from these materials;

gouge means an injury to the stem of a tree that penetrates into the sapwood or deeper;

grade means the average elevation of the ground at a distance of 1.0 metre from a building or structure determined by averaging the finished elevations at the midpoint of all of the exterior walls;

gross floor area means the sum of the area of all storeys in a building or structure, measured to the outermost wall surface, including the areas of roofed porches, roofed terraces and roofed decks;

Some words and phrases are defined in Section 1.1

2

Commented [BM1]: Bylaw 236 Amendment 1.2
Bylaw 234 Amendment 1.2

Commented [ME2]: Bylaw 234 Amendment 1.2 (Added Jan 2020)

Commented [BM3]: Bylaw 234 Amendment 1.2
Bylaw 236 Amendment 1.2

Denman Island Land Use Bylaw, 2008

ground-based machinery means powered vehicles that move by means of wheels or tracks in contact with the ground, including trucks, skidders, loaders, excavators, backhoes, and tractors;

guest accommodation means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year;

height means the vertical distance to the highest point of the upper roof of a building or structure measured from the grade;

BL 194 *hermitage* means a spiritual retreat centre that may also offer educational programs and provides overnight accommodation and meals to guests participating in its programs and activities;

high high water mark means the high water mark identified on the plan most recently registered in the Land Title Office, and where there is no such plan, means the natural boundary;

horticulture means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the landowners on their lot;

intensive agriculture means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots;

lot means any parcel, block or other area in which land is held or into which it is subdivided, whether under the Land Title Act or the Bare Land Strata Regulations under the *Strata Property Act*;

lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs **but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection**;

lot line means a legally defined boundary of any lot, and in the case of tenure under the Land Act, a boundary of the lease area;

BL 200 *lot line – edge* means any lot line on a lot in the Agriculture zone that abuts a lot in another zone;

lot line – front means the lot line common to the lot and the abutting highway, or access route under the Strata Property Act, and where there is more than one lot line common to a highway or access route, the following rules apply:

- the shortest lot line abutting a highway or access route that is greater than 20.0 metres is the front lot line, except where there are no lot lines greater than 20.0 metres abutting a highway or access in route, in which case the longest line abutting a highway or access route is the front lot line;
- where there are three or more lot lines and one or more of the lot lines is a corner-cut, one of the other lot lines is the front lot line based on the preceding rule;
- where there are more than two lot lines defining a curve, including any tangents making up the curve in a highway or access route, all such lot lines defining the curve must be considered to be one lot line for the purpose of determining the front lot line; and
- where a lot is split by a highway or access road, a front lot line will be determined for each portion of the lot;

lot line - rear means the property line opposite to and most distant from the front lot line, or where the rear portion of the parcel is bounded by intersecting lines, it shall be the point of such intersection;

lot line – exterior side means a lot line not being the front lot line but common to a lot and an abutting highway or access route;

lot line - side means any lot line not being a front lot line, rear lot line or exterior side lot line;

BL 194 *mobile* means, in relation to a building, not permanently affixed to the land with the ability to be moved to another location by towing or similar means;

BL 211 *Moveable housing unit* means a dwelling unit capable of being moved from location to location which does not require a permanent foundation;

natural boundary means:

- with reference to the sea or a lake, the visible high water mark of the lake, where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark on the soil or rock of the bed of the sea or a lake a character distinct from that of the adjoining upland, in vegetation as well as in the soil or rock;
- with reference to a stream, the normal high water mark of the stream, which is often indicated by the edges of rooted terrestrial vegetation, and a definite change in vegetation and sediment texture, above

Commented [BM4]: Bylaw 234 Amendment 1.1
Bylaw 236 Amendment 1.1

Some words and phrases are defined in Section 1.1

Denman Island Land Use Bylaw, 2008

removal of vegetation means felling of trees, uprooting of plants, removal of logs, or other large-scale alteration of the plant cover but specifically excludes the pruning of trees for the purpose of: admitting sunlight to an established garden; maintaining a view; mowing or cutting of lawns; and cultivating existing gardens and orchards;
residence means:

- the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or
- the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement;

and residence does not include guest accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;

residential rental tenure means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit;

retail sales and rentals means the selling of goods or merchandise directly to the consumer and includes bicycles, scooters, tools, equipment and home entertainment products, but excludes automobiles, recreational vehicles and heavy equipment;

riparian describes the land adjacent to the normal high water level in a stream, lake, or wetland and extending to the portion of land that is directly influenced by the presence of adjacent ponded or channelled water;

school means a school as defined by the *Schools Act* or the *Independent Schools Act* and does not include overnight accommodation or a dormitory;

BL 195 *seasonally flooded agricultural field* means land that has been previously modified for agriculture and experiences flooding during part of the year due to its location in a low lying area with poor drainage or with a high water table;

BL 211 *secondary dwelling unit* means a dwelling unit, which may be a moveable housing unit, that is accessory to a permitted principal dwelling unit and which is limited in floor area;

BL 211 *secondary suite* means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit;

setback means the horizontal distance that a building, structure or use must be sited from a specific lot line, building, structure or other specified point;

shellfish aquaculture means the raising of any aquatic invertebrate animal having a shell (for example, oysters, clams, and crabs) for commercial purposes;

storey means all areas of a building or structure in which the ceiling is at least one metre above the floor at its lowest point, but excludes crawl spaces;

stream means any natural depression:

- in which water exists at least seven months of the year flowing on a perennial or seasonal basis; and
- in which the continuous channel bed is 0.6 metre or more below the average elevation of the surrounding land; or if the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, in which the channel bed is scoured by water or contains observable deposits of mineral alluvium;

but excludes road side drainage ditches on a highway right-of-way;

structure means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, but excludes vehicles, floating vessels, ground-level paving for driveways and vehicle parking, ground-level sidewalks, detached ground-level patios and decks, detached access stairways and boardwalks, power-poles and telecommunication poles;

third party signs means signs advertising business, products, goods or services not provided on the lot on which the sign is located

top of the inner gorge means the boundary between a side-wall slope adjacent to a stream, that has a slope greater than or equal to 60% slope, and an adjacent upland area that has a slope of less than 60%;

Commented [BM5]: Bylaw 234 Amendment 1.2
Bylaw 236 Amendment 1.2

Denman Island Land Use Bylaw, 2008

- 8 Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use.
- 9 Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary suite or secondary dwelling unit.

INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.

INFORMATION NOTE: Secondary suites and secondary dwelling units are not permitted to be used for short term vacation rental or for the accommodation of paying guests in accordance with Regulation 2.1.2 of the Denman Island Land Use Bylaw.

Accessory Buildings and Structures

- 10 Accessory buildings and structures are not to be used for overnight accommodation **other than on an occasional basis**, except as permitted elsewhere in this Bylaw **and the use is not permitted on a parcel in the 'Affordable Housing (R4) Zone'.**

Travel Trailers

- 11 Travel trailers may be stored on the lot and used for occasional non-commercial accommodation **except on a parcel zoned 'Affordable Housing (R4)'.**
- 12 A travel trailer, bus or similar vehicle may be used as a principal dwelling unit or as a secondary dwelling unit approved by a Temporary Use Permit on any lot where a single family dwelling is a permitted building provided that it:
 - is on a lot larger than 1.0 ha or is screened from adjacent properties subject to Section 2.7;
 - is connected to an approved sewage disposal system; and
 - is considered a dwelling unit for the purpose of residential density calculations.

Water Zones

- 13 In the water zones, no building or structure may be used for overnight accommodation.
- 14 In the water zones, a vessel may be used for occasional non-commercial accommodation but shall not be used as a permanent residence.

Covered Walkways

- 15 Buildings located within 4.0 metres of each other and attached by a covered walkway are deemed to be one building.

Undersized Lots

- 16 Where a lot exists prior to the effective date of this Bylaw and the area of such a lot does not conform to the minimum lot area established in Part 3 relating to subdivision control, such a lot may be used for any of the uses permitted in the zone in which the lot is situated, subject to all of the other regulations for that zone and provided the provisions of the Health Act and attendant regulations have been met.

2.2 General Height Regulations

- 1 Despite any regulations in the zoning tables in Part 3, height restrictions do not apply to radio or television antennas or any accessory radio or television antennas, including satellite dishes, flag poles, lighting poles, utility poles, stairways, chimneys, or water storage tanks that are attached to and accessory to a principal use.

2.3 General Setback Regulations

Setbacks from Cliffs

Some words and phrases are defined in Section 1.1

Commented [BM6]: Bylaw 234 Amendment 1.3 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.3

Commented [BM7]: Bylaw 234 Amendment 1.4 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.4

BL 211

- 13 The slope of any automobile parking space shall not exceed 10 per cent.
- 14 Lighting fixtures for the parking area must be less than 1.0 metre in height and must be directed exclusively at the parking area at illumination levels of 11 lux or less¹.

Number of Parking Spaces Required

- 15 The minimum number of parking spaces required is as specified in accordance with regulations 16 to 18 of this section

- 16 Minimum number of automobile parking spaces is

residential

- one per one single family residential dwelling unit
- one per one cabin or accessory residential use
- two per dwelling unit in a multi-family dwelling

home occupations

- one per two non-resident employees in a home occupation
- one per rental room in a home occupation providing home-based guest accommodation

commercial

- one per 20.0 square metres of gross floor area of a building or structure for a commercial use other than a restaurant, cafe, public docking facility, or vehicle fuel sales
- one per three seats in a restaurant or café
- one per four berths in a public docking facility, plus four per launch ramp or hoist
- four per vehicle fuel service

institutional

- one per 25.0 square metres of gross floor area of a building or structure for a school, community hall, church, social hall, museum use, health care service use, recycling centre or similar use
- one per each employee or volunteer for a fire hall, police station or ambulance station

resource

- one per 30.0 square metres of gross floor area for a building or structure for an industrial, equipment storage, material supply or warehouse use
- one per 15 square metres of gross floor area for a greenhouse, a nursery, farm sales or forestry sales.

- 17 Minimum number of bicycle parking spaces is

- four, or one per 150 square metres of gross floor area for a commercial use, whichever is greatest
- four, or one per 10 students in a school, whichever is greatest
- four, or one per 150 square metres of gross floor area for a community hall, church, social hall, museum or other institutional use, whichever is greatest.
- one per dwelling unit in a multi-family dwelling

- 18 Of the number of automobile parking spaces required in Regulation 16 of this section for commercial or institutional uses, a minimum of one, or one per 50 required parking spaces, whichever is greatest, must be provided for disabled persons.

Commented [BM8]: Bylaw 234 Amendment 1.5
Bylaw 236 Amendment 1.5

Commented [BM9]: Bylaw 234 Amendment 1.6
Bylaw 236 Amendment 1.6

Commented [BM10]: Bylaw 234 Amendment 1.7
Bylaw 236 Amendment 1.7

¹ A lux is a measure of candlepower per square metre. Ten lux is considered adequate to do most tasks.

Some words and phrases are defined in Section 1.1

2.6 Signs Regulations

Permitted Signs	Maximum Area of a Sign	Maximum Combined Sign Area	Maximum Number of Signs
1 Residential (R1), Rural Residential (R2), Co-housing (R3) and Affordable Housing (R4) zones	0.5 m ²	1.0 m ² per lot	no limit
2 Agriculture (A), Forestry (F) and Resource (RE) zones	0.75 m ²	2.0 m ² per lot	no limit
3 Commercial (C) and Light Industrial (L) zones	2.0 m ²	2.0 m ² per business	2 per business
4 Institutional (IN) zone	2.0 m ²	2.0 m ² per lot	2 per lot
5 Conservation (CN) and Parks (PK) zones	1.0 m ²	1.0 m ² per lot	no limit
6 Marine Aquaculture (W3) zone	0.5 m ²	1.0 m ² per tenure	2 per tenure
7 In addition to the signs permitted in regulations 1 to 6 of this section, temporary real estate signs in all zones, which must be removed within 2 weeks of sale	1.0 m ²	2.0 m ² per lot	2 per lot
8 In addition to Regulation 3 of this section, each business in the Commercial (C) zone and Light industrial (L) zone is permitted a maximum of one additional non-flashing neon sign that advertises the business as open, and such a sign must be no larger than 0.3 square metres.			
9 In all zones, free standing signs shall not be deemed "structures" for the purposes of requiring compliance with horizontal setback regulations from lot lines or natural features.			
10 The maximum areas set out in Section 2.6, Regulations 1 to 7 refers to the area of one face of a sign.			

Commented [BM11]: Bylaw 234 Amendment 1.8 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.8

Height of Signs

- 11 In all zones, the maximum height of free standing signs is 3.0 metres.
- 12 In all zones, the maximum height of a sign attached to a building or structure is the same as the maximum height for the building or structure as set out in the zoning tables in Part 3.

Exempted Signs

- 13 Signs exempted from the provision of this section are:
 - those approved by a public authority such as directional signs, traffic signs, electoral signs and marine navigational signs
 - warning signs, such as private property, no trespassing, no vehicles, and no hunting signs provided that such signs are no larger than 0.2 square metres.
 - interpretative signs
 - murals, providing the mural is not advertising a product or service.

Prohibited Signs

- 14 Except as permitted in regulations 3 to 12 of this section, the following signs are expressly prohibited
 - animated signs
 - illuminated signs
 - obsolete signs
 - third party signs larger than 0.5 square metre regardless of location

2.7 Screening Regulations

General Regulations

- 1 Where a landscape screen is required by this Bylaw, it must be provided in the form of:
 - existing vegetation of the required height or
 - a row of drought-tolerant evergreen plants that after three years of growth will attain the required heightand provide a continuous, permanent visual screen between the uses being separated.
- 2 The minimum height of a landscape screen is 2.0 metres.
- 3 The minimum depth of a landscape screen is 1.5 metres.
- 4 Landscape screens along a front or exterior side lot line must be unbroken, except to provide for access to or from the lot.

Landscape Screens

- 5 All commercial, industrial and institutional uses must be screened from view from a lot in the Residential (R1) or Rural Residential (R2) zone by a landscape screen.
- 6 All outdoor storage or use related to a home occupation must be screened from view from an adjacent lot or highway by a landscape screen.
- 7 All works yards, commercial or industrial outdoor storage, or derelict vehicles must be screened from view from an adjacent lot or highway by a landscape screen.
- 8 All uses in the R3 and R4 zones must be screened from adjacent properties with a landscape screen located within the setback area, except that dead trees or trees that pose a safety risk may be extracted from the setback area.

Commented [BM12]: Bylaw 234 Amendment 1.9
Bylaw 236 Amendment 1.9

2.8 Subdivision Regulations

Compliance with Minimum Lot Area and Minimum Average Lot Area

- 1 Except as provided for in Regulation 21 of this section, no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.
- 2 Except as provided for in regulations 20 and 21 of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 3.
- 3 Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by

Total area of all proposed lots including the remainder
divided by

Number of Proposed lots including the remainder.

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum Lot Area.

- 4 No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

INFORMATION NOTE: The minimum average lot area is used for calculating the maximum number of lots that may be created by subdivision. The minimum lot area is used for determining the smallest size lot that can be created by subdivision. If there is no minimum average lot area specified, then the minimum lot area is used to determine the maximum number of lots that may be created by subdivision. In this Bylaw, the minimum average lot area is only used in the Rural Residential (R2) Zone.

INFORMATION NOTE: The 50 per cent requirement in Regulation 4 will have no effect on a bare land strata subdivision due to the lot averaging provisions in the Bare Land Strata Regulations under the *Strata Property Act*.

Some words and phrases are defined in Section 1.1

3 ZONE REGULATIONS

3.1 Creation of Zones

- 1 The area included in Schedule B of this Bylaw is divided and designated into the following zones:

Zone Classification	Zoning Code
Residential Zones	
Residential	R1
Rural Residential	R2
Co-housing	R3
Affordable Housing	R4
Resource Zones	
Agriculture	A
Forestry	F
Resource	RE
Commercial and Light Industrial Zones	
Commercial	C
Light Industrial	L
Community Zones	
Institutional	IN
Conservation	CN
Park	PK
Water Zones	
Marine Conservation	W1
Marine Service	W2
Aquaculture	W3
Marine Protection	W4
Lakes	W5

Commented [BM13]: Bylaw 234 Amendment 1.10 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.10

3.2 Definition of Zones

Interpretation of Zone Boundaries

- 1 Except where otherwise specified the zone boundaries, together with any explanatory legends, notations and references in respect thereof, are delineated and described on a computer record compiled by means of geographic information software and a global positioning system (the "Zoning Map").
- 2 The Zoning Map is kept at the Islands Trust Victoria Office and forms part of this Bylaw.
- 3 A generalised diagrammatic representation of the Zoning Map is annexed to this Bylaw as Schedule B. In the event of any conflict or inconsistency between the Zoning Map and Schedule B, the Zoning Map shall govern.

Some words and phrases are defined in Section 1.1

3.3 Residential Zoning Tables

Table 1 - Permitted Uses

		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
Accessory Uses					
5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓ *Secondary dwelling units must be approved through a Temporary Use Permit		

Commented [BM14]: Bylaw 234 Amendment 1.11
Bylaw 236 Amendment 1.11

Table 2 - Permitted Buildings and Structures

		R1	R2	R3	R4
1	Single family dwelling units	✓	✓	✓	
2	Multi-family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	
4	Buildings and structures accessory to a constructed multi-family dwelling unit				✓
5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	

Commented [BM15]: Bylaw 234 Amendment 1.12
Bylaw 236 Amendment 1.12

Some words and phrases are defined in Section 1.1

Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3	R4
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	10%
5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3

Commented [BM16]: Bylaw 234 Amendment 1.13
Bylaw 236 Amendment 1.13

Table 4 - Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	• used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

Commented [BM17]: Bylaw 234 Amendment 1.14
Bylaw 236 Amendment 1.14

Table 5 - Setbacks		R1	R2	R3	R4
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply					
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	• from the front lot line	7.5 m	7.5 m	30.0 m	10.0 m
	• from the rear or side lot line	3.0 m	3.0 m	30.0 m	10.0 m
	• from the exterior side lot line	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

Commented [BM18]: Bylaw 234 Amendment 1.15
Bylaw 236 Amendment 1.15

Table 6 - Floor Area		R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²	10.0 m ²
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m ²	n/a
4	Maximum gross floor area of a dwelling unit in a multi-family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m ²	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m ²	100 m ²

Commented [BM19]: Bylaw 234 Amendment 1.16
Bylaw 236 Amendment 1.16

Table 7 - Subdivision		R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	
2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha	

Commented [BM20]: Bylaw 234 Amendment 1.17
Bylaw 236 Amendment 1.17

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
R1(1)	- In addition to Table 1 of this Section, accessory residential is a permitted use. - Despite lines 2 and 3 in Table 3 of this Section, the maximum number of accessory residential dwelling units permitted is one per lot, provided it is contained in or attached to the principal dwelling unit. - The maximum permitted gross floor area of an accessory residential dwelling unit is 56.0 square metres.

INFORMATION NOTE: The site specific regulations for R1(1) are to permit a use previously permitted on two specific lots.

R1(2)	- Despite lines 4 to 7 in Table 1 of this Section, the only accessory use permitted is accessory residential. - Despite line 2 in Table 2 of this Section, the only accessory buildings and structures permitted are cabins. - Despite lines 2 and 3 in Table 3 of this Section, the maximum number of cabins permitted is six per lot. - Despite Table 7 of this Section, the minimum lot area permitted is 3.75 hectares. - The maximum gross floor area of a permitted cabin is 56.0 square metres.
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INFORMATION NOTE: The site specific regulations for R1(2) are to permit the historical use on one specific lot .

R1(3)	Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted providing one is limited to a footprint of 18.6 m² (200 square feet) and one storey.
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INFORMATION NOTE: The site specific regulations for R1(3) are to permit the historical density on one specific lot.

- R1(4)
- 1 Despite Tables 2 and 3 of this section, single family dwelling units and buildings and structures accessory to single family dwelling units are not permitted and instead, one *affordable housing dwelling unit* is permitted, and buildings and structures accessory to the *affordable housing dwelling unit* are permitted.
 - 2 In addition to Table 6 of this section, the maximum gross floor area for an *affordable housing dwelling unit* is 93 square metres.
 - 3 Despite Section 2.1, travel trailers are not permitted to be stored on the lot or to be used as a principal dwelling unit. However, a travel trailer may be used on the lot for up to six months during construction of the *affordable housing dwelling unit*.
 - 4 Home occupation uses are permitted as an *accessory* use. Despite Section 2.4, home-based *guest accommodation*, welding shops, including sale of products produced on site, daycare, and automobile repair and maintenance, are not permitted.
- R2(1)
- 1 In addition to the uses listed in Table 1 of this Section, a kennel accessory to a residential use is permitted.
 - 2 In addition to the buildings and structures listed in Table 2 of this Section, buildings or structures for a kennel use are permitted.
 - 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a kennel is 30.0 metres.
- R2(2)
- 1 In addition to the uses listed in Table 1 of this Section, a riding stable accessory to a residential use is permitted.
 - 2 In addition to the building and structures listed in Table 2 of this Section, buildings or structures for a riding stable use are permitted.
 - 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a riding stable is 30.0 metres.
- R2(3)
- 1 Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted.
- R2(4)
- 1 Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.4 hectares.
- R2(5)
- 1 Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 3.33 hectares.
- R2(6)
- 1 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is an average of one lot per 5.56ha.
- R2(7)
- 1 Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R2(7) zone.
 - 2 Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(7) zone is three.
 - 3 Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(7) zone is three.
- R2(8)
- 1 Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R2(8) zone.
 - 2 Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(8) zone is five.
 - 3 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is one lot per 8.0 hectares.

Commented [BM21]: Bylaw 236 Amendment 1.18

Commented [BM22]: Bylaw 236 Amendment 1.18

Denman Island Land Use Bylaw, 2008

- R4(1) 1 Despite line 3 in Table 3 of this Section, the maximum number of dwelling units permitted in the R4(1) zone is 20.
- 2 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a dwelling unit in a multiple family dwelling is 140 m².
- 3 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is one lot per 8.0 hectares.
- 4 Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to regulations in Section 2.8 is 8.0 hectares.
- R4(2) 1 Despite line 2 of Table 2 of this Section, multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance.
- 2 Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8.
- 3 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%.
- 4 Despite line 1 in Table 4 of this Section, the maximum height of principal buildings and structures located 100.0 metres or more from the natural boundary of the sea is 9.0 metres.
- 5 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house
- from the front lot line is 7.5 m
 - from the rear or side lot line is 3 m
 - from the exterior side lot line is 3 m
- 6 Despite line 2 in Table 5 of this Section, the minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except for domestic chicken coops is 8.0 m.
- 7 Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m.
- 8 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 60 m².
- 9 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.8 hectares.
- 10 Despite regulations 16 and 17 of Section 2.5, the minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit.
- 11 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water licence that permits the withdrawal of the licensed amount of groundwater.

Commented [BM23]:
Bylaw 236 Amendment 1.18

Commented [BM24]:
Bylaw 234 Amendment 1.18
Changes Jan 2020:
1. Specific permitted Home Occupations removed; New line 1 added limiting dwelling units to duplexes for seniors affordable housing.
2. "seniors affordable" inserted.
3. Lot coverage increased from 20% to 25%.
4. Height decreased from 12 m to 9 m.
5. Rear and side lot line reduced to 3 m (lot line abutting ALR).
6. Setback reduced from 30 m to 8 m.
7. Setback reduced from 10 m to 3 m.
8. "seniors affordable" inserted.
9. No change.
10. Vehicle parking spaces reduced from 2 to 1.5 per dwelling unit and bicycle parking spaces reduced from 1 to 0.5 per dwelling unit.
11. Proof of water requirement of 1200 litres/day/dwelling removed, and instead proof of water licence for groundwater as indicated in the licence.

INFORMATION NOTE: The site specific regulations for R2(3), R2(4) and R2(5) are to permit the historical density on

Denman Island Land Use Bylaw, 2008

	A(5)	1	Despite Table 1 of this section, no residential use is permitted.
		2	Despite Table 2 of this section, single family dwelling units and buildings and structures accessory to a constructed single family dwelling unit are not permitted.
		3	Despite Table 5 of this section, the minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy from the front, rear, side and exterior side lot lines is 30 m.
		4	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 13.0 ha.
BL 190	A(6)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 45.0 hectares.
		2	Despite Table 3 of this section, the minimum lot area per principal single family dwelling unit is 45.0 hectares.
BL 194	A(7)	1	In addition to the uses listed in Table 1 of this section, hermitage is a permitted accessory use.
		2	In addition to the buildings and structures listed in Table 2 of this section, mobile accessory buildings for overnight accommodation of people participating in the activities or programs of a hermitage on the same lot are permitted.
		3	Despite section 2.1(4) up to eight mobile accessory buildings with a floor area not greater than 10m ² each may be used for overnight accommodation of hermitage participants.
BL 200	A(8)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 8.4 hectares.
	A(9)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 7.5 hectares.
		2	If a lot in this zone is subdivided, a total of 4 dwelling units are permitted on the resulting lots.
	A(10)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 14.91 hectares.
	A(11)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 5.25 hectares.
	A(12)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 10.45 hectares.
	A(13)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.55 hectares.
	A(14)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 9.0 ha.
	A(15)	7	Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

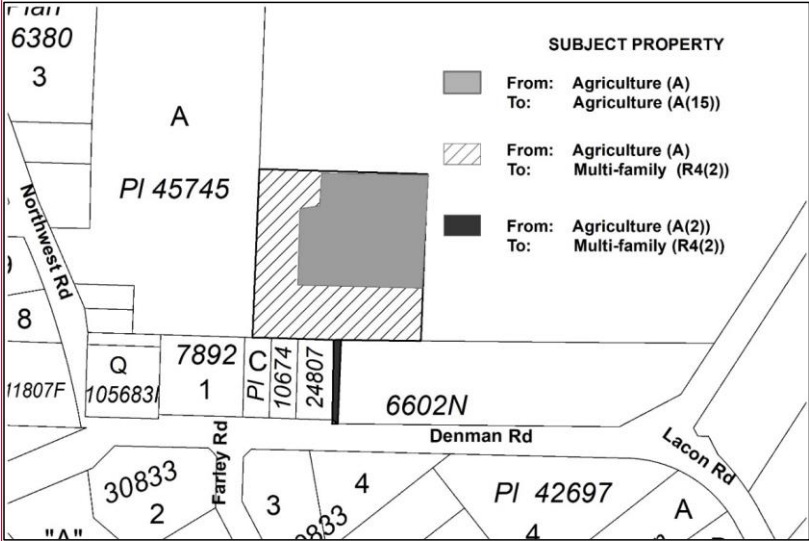
Commented [BM25]: Bylaw 234 Amendment 1.19

INFORMATION NOTE: The site specific regulations for A(8), A(9), A(10), A(11), A(12) and A(13) are to permit the historical density on seven specific lots. Approval from the Agricultural Land Commission may be required for more than one dwelling per lot.

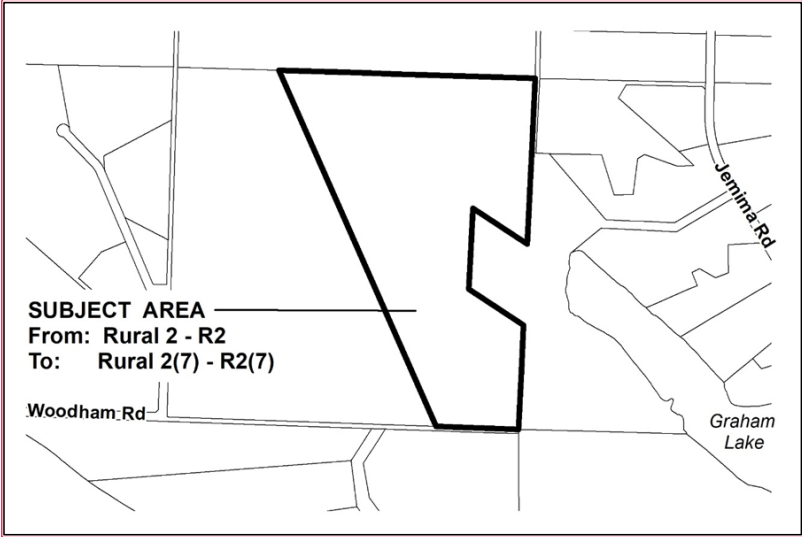
F(1)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 20 ha.
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Some words and phrases are defined in Section 1.1

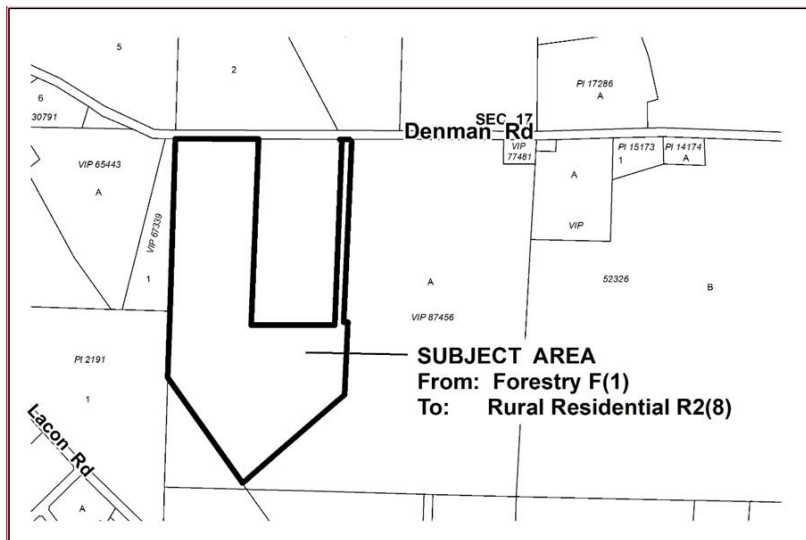
Schedule “B” of Denman Island Land Use Bylaw, 2008 is amended as follows:



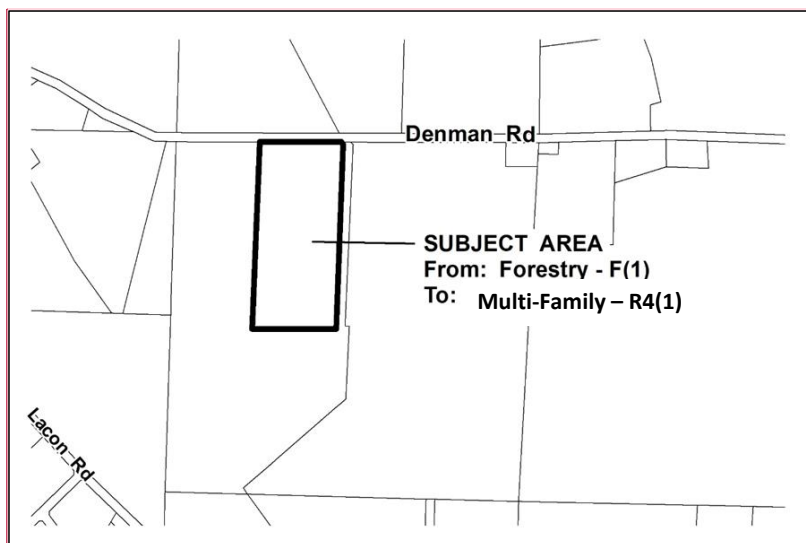
Commented [ME1]: Bylaw 234 Schedule B Amendment 1
Changes Jan 2020



Commented [ME2]: Bylaw 236 Schedule B Amendment 1



Commented [ME3]: Bylaw 236 Schedule B Amendment 2



Commented [ME4]: Bylaw 236 Schedule B Amendment 2

ATTACHMENT # 8 – POLICIES

DE-RZ-2017.1(DCLTA) – REVISED JANUARY 2020 (SIGNIFICANT UPDATES ARE HIGHLIGHTED)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Consistent	Staff Recommendations as Represented in Draft Bylaws 233 (OCP) & 234 (LUB)
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	Yes	Draft amendments (OCP) add policy that multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	N/A	- No changes proposed. Non DPA creek on subject property to be subject to current LUB setbacks to streams for buildings and structures. - Future covenant to reflect ALC requirement for vegetative buffer of 3 metres from ALR lands as proposed by the DCLTA which parallels the creek.
4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	Yes	LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; draft amendments (OCP & LUB) allow for proposed use.
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	Unknown	- Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. - Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.

ITPS Policy	Consistent	Staff Recommendations as Represented in Draft Bylaws 233 (OCP) & 234 (LUB)
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: • neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, • water quality is maintained, and • existing, anticipated and seasonal demands for water are considered and allowed for.	Unknown	• Draft amendments (OCP and LUB) add new site specific zone (R4(2)) to allow for increased density: further subdivision and 8 densities. • No changes proposed to OCP regarding water. • MFLNRORD approved water licence for lesser quantity of supplied water than required by LUB and identified risk of salt water intrusion; review guided by Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in BC, which includes consideration of aquifer status and anticipated project demands for water. • Draft amendment (LUB) allows a lesser quantity of supplied water in the site specific zone (R4(2)) than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD. • Freshwater specialist referral response recommends requiring mitigation measures in order to address shortcomings in adequately addressing policies 4.4.2 and 4.4.3 - commitment to water quality maintenance (i.e. salt water intrusion) and ensuring no detrimental impacts on in-stream users. Staff recommend requiring a covenant incorporating recommended mitigating measures. • Staff anticipate Island Health input to further inform the LTC of the status of the water quality and their water quality maintenance requirements as a part of their requirements under an Operating Permit.
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	Unknown	• No changes proposed to OCP regarding water. • MFLNRORD approved water licence included review of water quantity impacts on in-stream uses (registered wells). • Freshwater specialist referral response recommends requiring mitigation measures in order to address shortcomings in adequately addressing policies 4.4.2 and 4.4.3 - commitment to water quality maintenance (i.e. salt water intrusion) and ensuring no detrimental impacts on in-stream users. Staff recommend requiring a covenant incorporating recommended mitigating measures. • Staff anticipate Island Health input to further inform the LTC of the status of the water quality and their water quality maintenance requirements.
4.6.3 Local trust committees and island municipalities shall, in local bylaws relating to soil removal and deposit, address the protection of productive soils.	Yes	• LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; draft amendments (OCP & LUB) allow for proposed use.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	Yes	• Proposal is subject to current OCP policies and LUB regulations addressing these areas. • Draft amendments (OCP and LUB) further address these areas (e.g. density and siting provisions, step code consideration, creation of residential rental tenure zoning to ensure affordability).

ITPS Policy	Consistent	Staff Recommendations as Represented in Draft Bylaws 233 (OCP) & 234 (LUB)
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	Yes	• No changes proposed. • LTC directed the use of OCP Policy 11 to allow an increase residential density of 8 dwelling units on the subject property. • Staff to provide a standing resolution clearly identifying density reserves available and remaining.
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	Yes	• Draft amendment (LUB) adds the requirement of a minimum of 0.5 bicycle parking spaces per dwelling unit.
5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	Yes	• Proposal intended to address community's housing needs for seniors affordable housing. Draft amendments (OCP & LUB) facilitate seniors affordable housing.

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
C.2 Freshwater Policy 2 Adequate setbacks should be maintained to discourage development encroachment on riparian habitat and reduce pollution of this habitat.	• No changes proposed. • Non DPA creek on subject property will be subject to current LUB setbacks to streams for buildings and structures. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
C.2 Freshwater Policy 7 Landowners are encouraged to landscape their property in a way that promotes ponding of excess water, thus reducing run-off and curtailing the amount of water and sediment entering any watercourse.	• No changes proposed. • Staff recommend that storm water management provisions be included in a covenant.
C.2 Freshwater Policy 9 Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	• Draft amendment (LUB) adds exclusion of cisterns for the collection of rainwater from definition of lot coverage & provides adequate height max. • Current LUB allows tanks for the storage of rainwater to be located within the setback to lot lines, but may not project more than 1.0 m into setback area. • Draft amendment (LUB) adds requirement that all uses in the new Affordable Housing zone (R4) must be screened from adjacent properties. • Proposal includes rain water harvesting supplemental to groundwater supply; staff recommend applying a DPA to guarantee water conservation, rain water harvesting and collection systems.
C.4 Climate Change Policy 2 The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	• Draft amendment (OCP) adds that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend applying a DPA for the promotion of energy and water conservation and greenhouse gas emission reduction, and including step code requirement in a covenant.
C.4 Climate Change Policy 4 The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	• Draft amendment (OCP) adds that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend applying a DPA for the promotion of energy and water conservation and greenhouse gas emission reduction, and including step code requirement in a covenant.
D.2 Transportation and Utilities Policy 8 When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	• Draft amendment (LUB) adds a minimum of 0.5 bicycle parking spaces per dwelling unit.
D.3 Water Management Policy 6 When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.	• MFLNRORD indicates some level of scarce ground water supply in the issued Conditional Water Licence. MFLNRORD approved water licence included review of water quantity impacts on in-stream uses (registered wells). • No changes proposed to OCP regarding water. • Freshwater specialist referral response recommends requiring mitigation measures in order to address short comings in adequately addressing policies 4.4.2 and 4.4.3 - commitment to water quality maintenance (i.e. salt water intrusion) and ensuring no detrimental

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
	impacts on in-stream users. Staff recommend requiring a covenant incorporating recommended mitigating measures. • Staff anticipate Island Health input to further inform the LTC of the status of the water quality and their water quality maintenance requirements as a part of their requirements under an Operating Permit. • Proposal includes rain water harvesting supplemental to groundwater supply; staff recommend applying a DPA to guarantee water conservation, rain water harvesting and collection systems.
D.4 Waste Management Policy 1 The Local Trust Committee should address the potential negative impacts of surface water runoff and septic systems on lakes, streams, wetlands and the sea when considering all zoning amendment applications.	• No changes proposed. • Staff recommend that storm water management provisions be included in a covenant.
E.1 Housing Policy 1 In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare.	• Draft amendment (OCP) adds exception to lot size for lots created by subdivision in the Residential designation for the purpose of allowing multi-family affordable housing to allow for future subdivision (+/- 0.8 ha lot size) of subject property. • Draft amendment (LUB) adds exception to site specific zone to allow for future subdivision (+/- 0.8 ha lot size) of subject property.
E.1 Housing Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares, and the size of new lots for agricultural and other uses that are created by subdivision may not be less than 15 hectares.	• Draft amendment (OCP) adds exception for new lots created by subdivision in the Sustainable Resource designation for agriculture for the purpose of allowing multi-family affordable housing which will allow for future subdivision (+/- 0.8 ha lot size) of subject property as proposed. • Draft amendment (LUB) adds exception through site specific zone to allow for future subdivision (+/- 0.8 ha lot size) of subject property.
E.1 Housing Policy 8 In the Residential designation and the Rural designation, the principal use should be single family residential with the exception of the existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw.	• Draft amendment (OCP) adds an exception for multi-family affordable housing through completion of a successful rezoning application in order to allow proposed seniors affordable housing development.
E.1 Housing Policy 9 In the Residential designation, unless otherwise permitted by Policy 29, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area.	• Draft amendment (OCP) adds an exception to allow more than one dwelling unit per 1.0 ha in order to allow proposed seniors affordable housing development of 8 units. • Draft amendment (LUB) adds exception through site specific zone (R4(2)) to allow proposed seniors affordable housing development of 8 units. • Draft amendment (LUB) allows a lesser quantity of supplied water in the site specific zone (R4(2)) than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD. • See ITPS policies 4.4.2 and 4.4.3 above with respect to proof of adequate water supply.
E.1 Housing Policy 11 The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee	• No changes proposed. • LTC directed the use of OCP Policy 11 to allow an increase residential density of 8 dwelling units on the subject property. • Staff to provide a standing resolution clearly identifying density reserves available and remaining.

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section....	
E.1 Housing Policy 21 Zoning regulations should establish setbacks for buildings and other structures from lot lines, and should establish sufficient setbacks to protect watercourses on Denman Island and to protect development from flooding or other such hazards. In the case of fish-bearing or potential fish-bearing streams setbacks should be adequate to protect the riparian habitat consistent with the Riparian Area Regulation under the Fish Protection Act.	- Draft amendment (LUB) includes lot line setbacks for buildings and structures for new site specific zone. - Non DPA creek on subject property will be subject to current LUB setbacks to streams for buildings and structures. - Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA which parallels the stream.
E.1 Housing Policy 23 Zoning regulations should establish sufficient setbacks for septic disposal systems: - to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and - to protect adjacent properties from effluent or odours.	- Draft amendment (LUB) includes lot line setbacks for buildings and structures for new site specific zone, including 3 metre setback for the proposed septic field to the ALR boundary as requested by applicant; staff anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. - Staff recommend consideration of sewerage system maintenance provisions to be included in covenant to ensure proper functioning of system into future.
E.1 Housing Policy 24 Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.	- Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. - Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
E.1 Housing Policy 26 The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	- Draft amendment (OCP) revises this policy to say that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. - Staff recommend including step code requirement in a covenant.
E.1 Housing Policy 27 The Local Trust Committee should consider zoning amendment applications for seniors housing provided: - that the proposal is not located in a connectivity area identified on Schedule D; - that the proposal is small-scale; - that the siting and height of the proposal is sensitive to the surrounding land uses and does not impact negatively on adjacent properties; - that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; - that the applicants enter into a housing agreement with the Local Trust Committee; - that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; - that the proposal is designated a development permit area to guide form and character; and - that the proposed development will not place a strain on existing public services and infrastructure.	- Draft amendment (OCP) adds to the end of this policy that residential rental tenure zoning be considered to ensure affordability is maintained in perpetuity. - The proposal is not located in a connectivity area. - The proposal is relatively small scale given the increase in density of 8 units. - Draft amendment (LUB) includes no deviation from the standard 9 m height maximum for the principal dwellings units. - Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. - Draft amendment (LUB) adds requirement that all uses in the new Affordable Housing zone (R4) must be screened from adjacent properties. - Draft amendment (LUB) allows a lesser quantity of supplied water than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD.

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
	• Staff anticipate Island Health input on the draft amendments (OCP and LUB) regarding the minimum lot size reduction to +/- 0.8 ha for the proposed development and septic system. • Draft amendments (LUB) add new Affordable Housing zone (R4) for residential rental tenure subject to a registered housing agreement.
E.1 Housing Policy 28 The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal does not impact negatively on adjacent properties; • that the proposal is small-scale; • that the proposal is clustered and the siting and height are sensitive to surrounding land uses; • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposed development will not place a strain on existing public services and infrastructure.	• Draft amendment (OCP) adds to the end of this policy that residential rental tenure zoning be considered to ensure affordability is maintained in perpetuity. • The proposal is not located in a connectivity area. • The proposal is relatively small scale given the increase in density of 8 units. • Draft amendment (LUB) includes no deviation from the standard 9 m height maximum for the principal dwellings units. • Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. • Draft amendment (LUB) adds requirement that all uses in the new Affordable Housing zone (R4) must be screened from adjacent properties. • Draft amendment (LUB) allows a lesser quantity of supplied water than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD. • Staff anticipate Island Health input on the draft amendments (OCP and LUB) regarding minimum lot size reduction to +/- 0.8 ha for the proposed development and septic system. • Draft amendments (LUB) add new Affordable Housing zone (R4) for residential rental tenure subject to housing agreement.
E.4 Resources Policy 6 The Local Trust Committee should only support an application for non-farm use or exclusion of land from the Agricultural Land Reserve if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.	• LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; proposed bylaw amendments (OCP & LUB) allow for proposed use.



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2017.1 (DCLTA)

File Name: Bylaw No. 233 (OCP)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

File No.: DE-RZ-2018.1 (Denman Housing Association/Snyder & Terry)

DATE OF MEETING: January 21, 2020

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec RPP, MCIP
Local Planning Services

SUBJECT: OCP and LUB Amendments for a new Development Permit Area to regulate residential density increases
Applicant: Simon Palmer on behalf of the Denman Housing Association
Location: PID 006-657-290 Denman Island

RECOMMENDATIONS

1. That Denman Island Local Trust Committee Bylaw No. 237 cited as “Denman Island Official Community Plan, 2008, Amendment No.3, 2019” be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 238 cited as “Denman Island Land Use Bylaw, 2008, Amendment No.3, 2019” be read a first time.
3. That Proposed Bylaw Nos. 237 and 238 be referred to the following First Nations, Local Governments and agencies for comment:
 - a. First Nations:

K’omoks First Nation, Qualicum First Nation, Tla’amin Nation, Snaw’Naw’As Nation, Te’Mexw Treaty Association, We Wai Kai Nation, Stz’uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.
 - b. Local Governments and Agencies:

Hornby Island Local Trust Committee, Denman Advisory Planning Commission, Comox Valley Regional District, School District 71, Islands Trust Freshwater Specialist.
4. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 237 cited as “Denman Island Official Community Plan, 2008, Amendment No.3, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.
5. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 238 cited as “Denman Island Land Use Bylaw, 2008, Amendment No.3, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

REPORT SUMMARY

This report introduces draft bylaws to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB). The bylaws, if adopted, would enable the designation of a new Development Permit Area (DPA) for the non ALR portion of the subject property proposed to be developed with 20 multi-family rental housing units “Denman Green” and up to five market housing single family residences, as presented in application DE-RZ-2018.1 (DHA). Staff is recommending that the draft bylaws in Attachment 1 and 2 of this report be given first reading as presented.

BACKGROUND

Staff have prepared amending bylaws for LTC consideration of first reading (Attachments 1 and 2). These bylaw accompany Proposed Bylaw Nos. 235 (OCP) and 236 (LUB) which were given reading in November 2019. All relevant background information is posted to the current [application website](#).

ANALYSIS

Issues and Opportunities

Staff have identified the following issues for LTC consideration:

- Summary of Draft Bylaw No. 237 (OCP)
- Summary of Draft Bylaw No. 238 (LUB)
- Bylaws consistent with Islands Trust Policy Statement

Summary of Draft Bylaw No. 237 (OCP)

Draft Bylaw No. 237 (Attachment 1), if adopted, would amend the OCP to include a new site specific Development Permit Area for the parcel intended to be subdivided and developed for up to 25 residential dwellings. The area, justification and objectives of “DPA 8 – Residential Density Increase”, including a map amendment in Schedule E, form the basis of the draft bylaw. Guidelines for the DPA are included in the LUB.

Summary of Draft Bylaw No. 238 (LUB)

Draft Bylaw No. 238 (Attachment 2), if adopted, would amend the LUB by introducing specific DPA guidelines that would be applied at the time of subdivision, land alteration or construction on the subject property. The intent of the bylaws is to protect the natural environment and biodiversity, protect adjacent Agricultural Land Reserve (ALR) farmland and promote energy and water conservation and greenhouse gas emission reduction.

Islands Trust Policy Statement

Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement Directives Only Checklist (ITPS - Attachment 3) and concluded that both bylaws as written are not contrary to or at variance with the ITPS.

Consultation

Following first reading of the bylaws staff recommend referrals to the same list of First Nations as was used for Proposed Bylaw Nos. 235 and 236. The LTC has already endorsed a community information meeting as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. Significant changes to the bylaw (either as a requirement of the LTC, or by the applicant) that necessitate further referrals or community meetings or application complexities may require more involved consultation.

Agencies

Should the LTC concur with the staff recommendation to give first reading to both bylaws, referrals will be sent to the following agencies and adjacent local governments for comment:

- Denman Island Advisory Planning Commission
- Island Trust Freshwater Specialist
- Ministry of Agriculture and Agricultural Land Commission
- Comox Valley Regional District
- School District 71
- Hornby Island Local Trust Committee

First Nations

The following First Nations include Denman Island as part of their marine, land territory or Treaty area and bylaw referrals should be sent to the following First Nations for comment:

- | | |
|------------------------------|----------------------------------|
| • K'omoks First Nation | • Lyackson First Nation |
| • Qualicum First Nation | • Laich-kwil-tach Treaty Society |
| • Te'Mexw Treaty Association | • Tla'amin Nation |
| • Lake Cowichan First Nation | • We Wai Kai Nation |
| • Penelakut Tribe | • Halalt First Nation |
| • Nanwakolas Council | • Lyackson First Nation |
| • Snaw'Naw'As Nation | • Laich-kwil-tach Treaty Society |
| • Stz'uminus First Nation | • Cowichan Tribes |
| • We Wai Kum Nation | |

Protocols

The LTC has a [protocol agreement](#) with the Comox Valley Regional District (CVRD, 2011) and staff of the Islands Trust have a [letter of understanding](#) with staff of the CVRD (2018) to ensure interagency collaboration on land use, park planning, bylaw enforcement and servicing. Proposed bylaws would be referred to CVRD for comment.

Public Correspondence

All public correspondence received to date is being redacted where appropriate by staff and posted to the [applications website](#).

Rationale for Recommendations

Draft bylaws have been prepared to amend the OCP and LUB and introduce a new comprehensive DPA to guide the future subdivision and development of the subject property as presented in application DE-RZ-2018.1 (DHA). Staff recommend first reading of both bylaws in order to advance referral responses from First Nations, agencies. The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

1. Amend draft bylaws prior to first reading.

The LTC can amend either bylaw prior to consideration of first reading. If this alternative is selected then the following resolution is recommended:

“That the Denman Island Local Trust Committee amend Draft Bylaw Nos. 23X with the following (specify changes).

Next Steps

Should the LTC concur with the staff recommendations, referrals will be sent out requesting a response within 60 days of the date on the referral; a community information meeting will be tentatively scheduled so that all four proposed bylaws for this application can be considered by the Denman Island community concurrently.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	January 2, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager, Northern Office	January 2, 2020

ATTACHMENTS

1. Draft Bylaw No. 237 (OCP)
2. Draft Bylaw No. 238 (LUB)
3. Islands Trust Policy Statement Directives Only Checklist for Bylaw 237 and 278 (OCP)

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is amended as shown on Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008, Amendment No. 3, 2019”.

ADOPTED THIS xx DAY OF , 202x

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 237

Schedule “1”

1. Schedule “B” – **PERMITS AND PLAN ADMINISTRATION** of the Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:

- 1.1 **PART F – DEVELOPMENT PERMIT AREAS**, is amended by replacing all references to specific sections of the *Local Government Act* with the correct section citations.

- 1.2 **PART F – DEVELOPMENT PERMIT AREAS**, is amended by adding the following new section after “Development Permit Area No. 7: Light Industrial”:

“DEVELOPMENT PERMIT AREA NO. 8: RESIDENTIAL DENSITY INCREASE

Category

The area indicated on Schedule E as Development Permit Area No. 8: Residential Density Increase, is designated according to Sections 488(1)(a)(c)(h)(i) and (j) of the *Local Government Act* for the protection of the natural environment, protection of farmland and promotion of energy, water conservation and greenhouse gas emission reduction. Development approval information in the form of reports from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below.

Area

Development Permit Area No. 8: Residential Density Increase currently applies to only one site in the planning area as shown on Schedule E (PID 006-657-290).

Justification

The Local Trust Committee can approve a density transfer application or density bank withdrawal subject to conditions in the Official Community Plan. Either option can result in the intensification of rural residential uses on a specific parcel and increase the number of dwellings and people on that parcel. Such parcels are to be designated as part of this DPA so that all subsequent development is informed by guidelines that improve and protect local biodiversity and enhance subdivision design, site layout and landscaping to mitigate impacts on the natural environment, air shed and watershed. The BC Agricultural Land Commission has acknowledged that the development of lands adjoining the Agricultural Land Reserve (ALR) may compromise the agricultural use of the ALR and increase the potential for land use conflicts. The incorporation of vegetated buffers between parcels benefiting from a density transfer or density bank withdrawal and the Agricultural Land Reserve boundaries, is expected to promote greater compatibility between uses while protecting agricultural potential from rural development.

Objectives:

The objectives of Development Permit Area No. 8 are:

1. To ensure that protection of the natural environment and habitats are prioritized.
2. To ensure a high level of design and quality of construction of all future development.
3. To support innovation in energy and water conservation and reduction of greenhouse gas emissions.
4. To provide adequate buffering along the Agricultural Land Reserve boundaries.

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 8 – Residential Density Increase are in the Denman Island Land Use Bylaw.

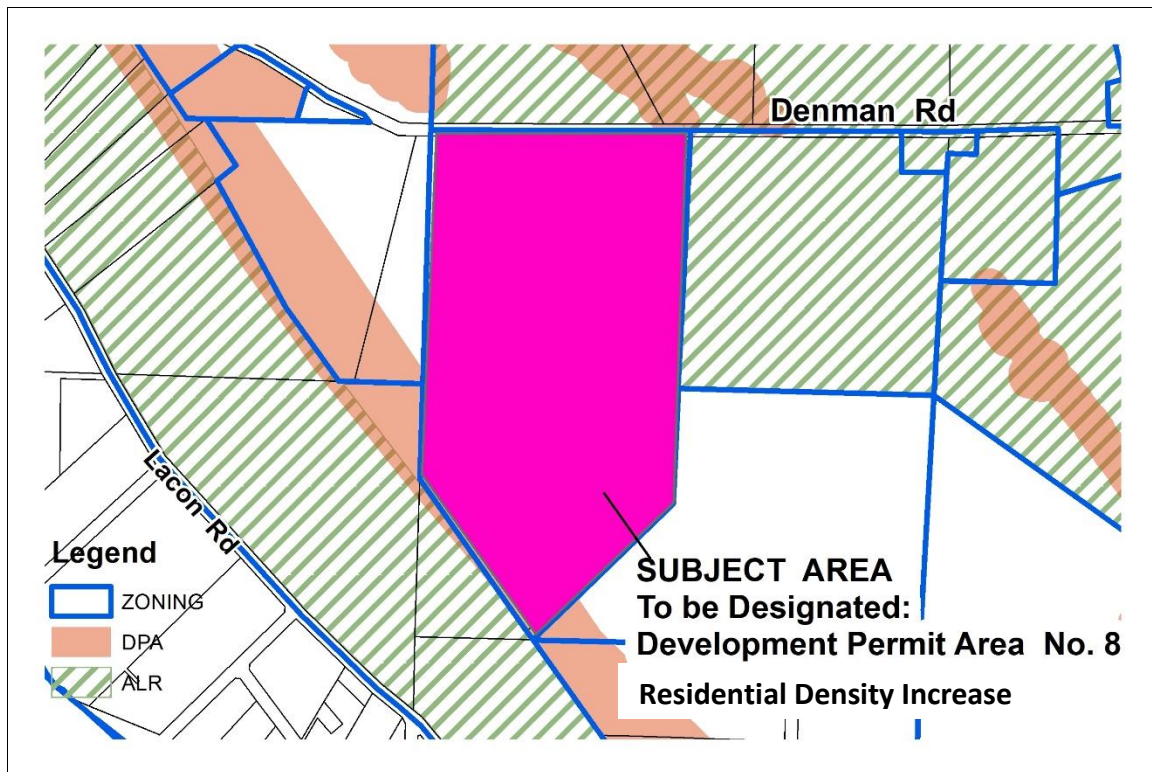
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 237

Schedule “2”

1. **Schedule “E” – Map 2 North and Map 2 South – Development Permit Areas** of the Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” are amended by designating a new Development Permit Area “Development Permit Area No. 8 – Density Transfer – Residential” on those lands described as THE SOUTH WEST 1/4 OF SECTION 17, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN 14174, VIP77481 AND VIP87456 (PID 006-657-290) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “E” of Bylaw No. 185 as are required to effect this change.

Plan No. 1



**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 238**

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. That the Denman Island Local Trust Committee Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008” is amended as shown on Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019".

READ A FIRST TIME THIS	xx	DAY OF	, 202x
READ A SECOND TIME THIS	xx	DAY OF	, 202x
PUBLIC HEARING HELD THIS	xx	DAY OF	, 202x
READ A THIRD TIME THIS	xx	DAY OF	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF	, 202x
ADOPTED THIS	xx	DAY OF	, 202x

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 238

Schedule "1"

1. Schedule "A" – Land Use Bylaw of the Denman Island Local Trust Committee Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008" is amended as follows:

- 1.1 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following text before Section 4.1:

"Use of the word "should" in a guideline does not indicate that compliance is at the option of the applicant. Rather, that compliance to the guideline will be required as a condition of issuance of a development permit, unless the Local Trust Committee determines there are bona fide reasons why the guideline should not be applied to its fullest extent. Use of the term "encourage" indicates that compliance with a guideline may, at the discretion of the Local Trust Committee, be required as a condition of the issuance of the development permit."

- 1.2 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following new Development Permit Area after section 4.7 "Development Permit Area No.7: Light Industrial - Guidelines":

"4.8 Development Permit Area No. 8: Residential Density Increase - Guidelines

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must meet any other applicable local, provincial or federal requirements:

- a) Subdivision application that results in the consolidation of one or more lots;
 - b) The placement of impermanent structures such as benches, tables and garden ornaments;
 - c) The proposed alteration of an existing building or structure for purposes of maintenance and repair, any alteration of the interior of a building or structure, any addition of exterior features to a building or structure that does not require an additional alteration of the land or any construction that is not subject to a requirement for a siting and use permit;
 - d) The construction of a small accessory building or structure that is less than 10 m² in size.
 - e) Restoration or enhancement of a vegetated buffer zone as directed by a qualified environmental professional;
 - f) Emergencies: Procedures to prevent, control or reduce flooding, erosion or other immediate threats to life or property;
 - g) Cutting down of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property, as indicated in a report by an arborist certified in B.C.;
 - h) Yard and garden maintenance within an existing landscaped area.

Protection of the Natural Environment and Biodiversity

- Guideline 1 Before any land clearing takes place, and before development design begins, an application for a development permit requires a biological site inventory prepared by a qualified professional biologist together with other professionals of different and relevant expertise, as the project warrants. The biological site inventory should be in

accordance with the most current edition of the terms of reference in the “*Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*” or equivalent terms of reference approved by the Local Trust Committee. Additional conditions should be included in a development permit to incorporate recommendations within the biophysical inventory.

- Guideline 2 Subdivision layout should protect sensitive ecosystems and contiguous tracts of habitat through the use of lot clustering; vegetated buffers adjacent to sensitive ecosystems and habitats; pre-designation of no-build areas in areas with high ecological value or potential for regeneration; and pre-designation of building sites in areas with reduced ecological value. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of natural vegetation in identified areas.
- Guideline 3 The provision of shared driveways should be considered as a condition of a permit.
- Guideline 4 Areas of slope 30% or greater should remain free of development including land clearing, except in accordance with any conditions contained in the Permit.
- Guideline 5 Following ‘dark sky principles’, all exterior lighting should be directed and/or shielded to illuminate the ground only, to prevent light pollution.
- Guideline 6 Previously disturbed or degraded sites should be re-vegetated using plant materials indigenous to the coastal Douglas-fir biogeoclimatic zone.

Protection of Farmland

- Guideline 7 Subdivision design should minimize the impacts that may occur between farm and non-farm uses on adjacent lands in the Agricultural Land Reserve.
- Guideline 8 A 15 metre wide vegetated buffer should be retained or established and maintained on land adjacent to an Agricultural Land Reserve Boundary. Mature trees and existing vegetation should be preserved and where possible integrated with any new landscaping. The buffer should generally be designed and landscaped in accordance with the British Columbia ‘*Guide to Edge Planning*’ or any subsequent editions. The buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of vegetation in identified areas.
- Guideline 9 New buildings and structures, except for fencing should not be situated within the 15 metre vegetated buffer area.

Promotion of Energy, Water Conservation and Greenhouse Gas Emission Reduction

- Guideline 10 A qualified professional retained by the applicant is required to provide a written report summarizing the proposed building design measures to be incorporated in the proposed development of new buildings to address the following approaches:
 - a) Passive design strategies;
 - b) Reduction in a building’s energy and water consumption;
 - c) Improved occupant thermal comfort;
 - d) Improved indoor air quality;

- e) Utilization of locally or regionally sourced building materials;
- f) Opportunities for the distribution of natural daylight into a building's interior spaces to reduce the energy consumption of electric lighting;
- g) Capture and re-use of rainwater for domestic use and irrigation;
- h) Incorporation of universal access design principles.

Upon completion of construction the applicant is required to provide the Local Trust Committee with a written report prepared by a qualified professional confirming compliance with the stated requirements of this guideline.



File No.: DE-RZ-2018.1 (DHA)

File Name: Bylaw No. 237 (OCP) and 238 (LUB)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 2019

Islands Trust Conservancy New Board Member

Trustee Dr. Susan Hannon joined the Board November 2019. Susan Hannon is a retired Ecology Professor from University of Alberta, currently living on Salt Spring Island. Dr. Hannon's research expertise is in forest ecology, impacts of habitat fragmentation, forest birds and conservation. Active in her community, Dr. Hannon is a Commission Member for The Advisory Planning Commission for Islands Trust. She has also served on the boards of The Salt Spring Island Conservancy, The Nature Trust of BC, Bird Studies Canada, and the Garry Oak Ecosystem Recovery Team Society. Dr. Hannon has worked in land stewardship with private landowners, runs the nest box program on Salt Spring, worked in Garry oak ecosystem restoration and removal of invasive plants. She holds a Doctor of Philosophy in Ecology from the University of British Columbia.

Islands Trust Conservancy Staff Changes

Islands Trust Conservancy is pleased to welcome Kathryn Martell as the acting Ecosystem Protection Specialist, replacing Wayne Bourque.

Carla Funk is acting ITC Communications and Fundraising Specialist while Crystal Oberg is on education leave until August, 2020.

Goal 1 – Science-based Conservation Planning

Goal 2 – Strong relationships with First Nations

The Islands Trust Conservancy Board received a letter from Lyackson First Nation in regards to the Salish View Nature Reserve for information.

Goal 3 – Protection of core conservation areas

Property Management

Mt. Artaban Nature Reserve Management Plan

Islands Trust Conservancy Board approved the 2019 update of the Mount Artaban Nature Reserve Management Plan. The plan will be made available online once it is approved by the covenant holders.

Land Acquisition and Covenants

Covenant Modification Agreement – Woodwinds NAPTEP Covenant

The Islands Trust Conservancy Board agreed to modify the Woodwinds NAPTEP covenant on North Pender Island to address an existing septic field.

Goal 4 – A strong voice for nature conservation

1. Islands Trust Conservancy Board directed staff to consider including a Note Disclosure highlighting the importance of natural assets to the mandate of Islands Trust and the services they provide for island communities, starting with the current fiscal year's annual financial reporting.
2. Islands Trust Conservancy Co-Chair, Sue-Ellen Fast and three staff attended the biennial Land Trust Alliance of BC Seminar Series. The ITC Manager co-presented with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) regarding the CDFCP conservation planning tool.
3. Staff provided an update to the ITC Board regarding the status of the website renewal project and the integration of the ITC website into the Islands Trust site.

Activities by Local Trust Area/Island Municipality

Gambier

The Islands Trust Conservancy Board approved the Mount Artaban Nature Reserve Management Plan.

The Islands Trust Conservancy Board reviewed the Public Acquisitions Report for information. Discussion ensued on the Sandy Beach acquisition history and current project details.

North Pender

Islands Trust Conservancy Board directed staff to write a letter to the North Pender Island Local Trust Committee describing concerns regarding potential long-term impacts of contaminated runoff, and alternative designs such as containment of any point source runoff or spills related to a Temporary Use Permit extension application adjacent to the Medicine Beach Nature Sanctuary.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2018.1	Kirk, JARRAH	05-Nov-2018	PID: 027-381-447 Cider production from other sources. Civic address: 1100 Lacon Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 30-Aug-2019

No change in status.

Status Date: 16-Apr-2019

No change. Planner awaiting submission of requested information.

Status Date: 07-Mar-2019

Application to LTC for consideration.

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella	21-Mar-2011	For barn sited within DP #1: Komass Bluff

Planner: Marnie Eggen

Planning Status

Status Date: 10-Oct-2019

No change in status.

Status Date: 25-Sep-2018

No change in status.

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2019.1	Helliwell + Smith + Blue Sky Architecture Inc.	10-Oct-2019	PID: 017-541-131 Building SFD. Civic address: 2650 Swan Road, Denman Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 19-Nov-2019

On hold

Status Date: 14-Nov-2019

Information requested from applicant

Status Date: 15-Oct-2019

Planner review

File Number	Applicant Name	Date Received	Purpose
DE-DP-2019.2	McKeachie, Shelley & Morley	13-Dec-2019	PID: 005-850-771 Development Permit required for Subdivision application. Civic address: 5841 Lacon Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 13-Jan-2020

Under review - awaiting RAR report. Possible agenda item for March 17, 2020 regular business meeting in conjunction with companion DVP application and 10% frontage waiver request for subdivision.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella	13-May-2011	Barn on property line

Planner: Marnie Eggen

Planning Status

Status Date: 10-Oct-2019

No change in status.

Status Date: 25-Sep-2018

No change in status.

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2019.2	McKeachie, Morley & Shelley	13-Dec-2019	PID: 005-850-771 Variance for Subdivision required. Civic address: 5841 Lacon Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 13-Jan-2020

Under review - awaiting RAR report for companion DP application. Possible agenda item for March 17, 2020 regular business meeting in conjunction with DP and 10% frontage waiver request for subdivision.



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planner: Marnie Eggen

Planning Status

Status Date: 03-Oct-2019

LTC considers 1st reading and bylaw referrals. At request of applicant, LTC defers consideration.

Status Date: 06-Jun-2019

Draft bylaws presented.

Status Date: 07-Mar-2019

LTC receives groundwater licence approval from FLNRORD.

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2018.1	Denman Housing Association (Snyder & Terry)	01-Oct-2018	PIDs: 009-704-523 (Snyder) and 006-657-290 (Terry) Rezoning to change number of allowed dwellings

Planner: Sonja Zupanec

Planning Status

Status Date: 03-Oct-2019

Draft bylaws to amend OCP and LUB to be presented to LTC October 3, 2019

Status Date: 04-Jul-2019

LTC directed staff to prepare draft bylaws consistent with staff recommendations as set out in July 4, 2019 report.

Status Date: 24-Oct-2018

Executive Committee approved sponsorship application



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD

One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: 25-Sep-2018

No change in status.

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.11	Helliwell + Smith + Blue Sky Architecture Inc.	22-Aug-2019	PID: 017-541-131 Single family dwelling, carport and existing accessory building. Civic address: 2650 Swan Road, Denman Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 09-Oct-2019

Awaiting DPA information

Status Date: 08-Oct-2019

Under review

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.16	Ball, Gary	03-Dec-2019	PID: 003-064-514 Servicing lot and building trailer addition and studio. Civic address: 3871 East Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 13-Jan-2020

Awaiting detailed landscape/screening plan.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Sep-2018

Returned original copy of covenant and proof of registration on title received. Planner working with Finance to close Cost Recovery file and SUB file.

Status Date: 05-Jun-2018

LTC accepted the covenant and signed. Planner returned covenant to applicant's lawyer for final signatures and registration. Awaiting confirmation of registration on title and returned original copy of signed covenant for IT records.

Status Date: 16-Apr-2018

Planner recommending LTC to accept and sign the Covenant at the May 1 LTC meeting.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application

Planner: Ian Cox

Planning Status

Status Date: 13-Jan-2020

PLA on hold until DP, DVP and 10% frontage waiver for subdivision approved (possible March 17, 2020 agenda item).

Status Date: 05-Sep-2019

Waiting on MOTI re-referral for revised proposed plan of subdivision.

Status Date: 16-Apr-2019

Applicant working to meet PLA conditions including DP and required QEP report for portion of Valens Brook.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.

Planner: Marnie Eggen

Planning Status

Status Date: 20-Feb-2019

Final confirmation letter sent via email to MOTI and copied to Denman LTC , owners and the applicant.

Status Date: 10-Oct-2018

No change.

Status Date: 17-Aug-2017

Revised Preliminary Layout Approval received from MOTI

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.4	Denman Community Land Trust (Harlene Holm)	29-Nov-2017	PID: 009-708-537 - Lot line adjustment Civic address: 3730 Denman Road, Denman Island, BC PID: 009-708-189 - Lot line adjustment Civic address: 3806 Denman Road, Denman Island, BC

Planner: Marnie Eggen

Planning Status

Status Date: 23-Jan-2019

Final Letter of Approval issued.

Status Date: 19-Sep-2018

Preliminary Layout Approval received from MOTI

Status Date: 16-Aug-2018

Awaiting Preliminary Layout Approval from MOTI.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2018.1	PANDESIGN INC	18-Sep-2018	PID: 028-605-691 Civic address: 2100 Crescent Road, Denman Island Divide property into 2 residential lots.

Planner: Jaime Dubyna

Planning Status

Status Date: 13-Jun-2019

Staff forwarded copy of covenant template to applicant for review.

Status Date: 25-Apr-2019

MOTI PLA received.

Status Date: 26-Feb-2019

Planner to submit LSR regarding drafting, reviewing and registration of covenant, at the request of the applicant.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2018.2	Sea Berry Farm Ltd.	19-Oct-2018	PID: 000-974-081 5 lot subdivision Civic address: 1300 Farley Road, Denman Island, BC

Planner: Ian Cox

Planning Status

Status Date: 13-Jan-2020

Application triggers parkland dedication or cash in lieu - CVRD to review and make decision pursuant to the Letter of Understanding with DE and HO LTCs. Staff to coordinate possible March 17, 2020 agenda item for LTC acceptance of 5% cash in lieu subject to market appraisal of parent parcel.

Status Date: 04-Feb-2019

Referral response sent to MOTI. Awaiting PLA and fulfillment of conditions.

Status Date: 28-Jan-2019

Planner to provide referral response by end of January.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.1	Grant Land Surveying Inc.	25-Feb-2019	PID: 006-657-290 2 lot subdivision. Civic address: 2.2km east of Denman West ferry terminal; Denman Road between top of the hill and firehall.
Planner: Jaime Dubyna			
Planning Status			
Status Date: 28-Mar-2019 Planner completed review and sent referral report to MOTI and applicant. Several conditions listed for PLA which must be met prior to final subdivision approval.			
Status Date: 20-Mar-2019 Planner reviewing application.			
File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.2	Formstate Design Inc. (Pandesign)	27-Aug-2019	PID: 006-660-495 Six lot subdivision. Civic address: Danes Road, Denman Island, BC
Planner: Jaime Dubyna			
Planning Status			
Status Date: 05-Dec-2019 Planner completed review and sent referral report to MOTI and applicant. Several conditions listed for PLA which must be met prior to final subdivision approval.			
Status Date: 10-Sep-2019 Planner reviewing application.			

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending November 2019

615 Denman	Invoices posted to Month ending November 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	378.00	404.51	-26.51
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,337.00	2,313.15	2,023.85
65210-615	LTC - Local Exp - APC Meeting Expenses	493.00	739.77	-246.77
65220-615	LTC - Local Exp - Communications	250.00	344.98	-94.98
65230-615	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>5,374.00</u>	<u>3,397.90</u>	<u>1,976.10</u>
Projects				
73001-615-4011	Denman Farm Plan	2,250.00	182.02	2,067.98
TOTAL Project Expenses		<u>2,250.00</u>	<u>182.02</u>	<u>2,067.98</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	That the Denman Island Local Trust Committee adopt the following standing

			unlawful STVRs	resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	That the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural

				heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019	DE-2019-056	Bylaw enforcement against unlawful dwellings	that the Denman Island Local Trust Committee adopt the following standing resolution: "The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to pursue enforcement against unlawful dwellings upon receipt of a written complaint, if any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area. and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time."

Top Priorities Report

Denman Island

1. *Denman Island Farm Plan Implementation*

Responsible

Dates

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)

Marnie Eggen
Sonja Zupanec

2. *Temporary Use Permits*

Responsible

Dates

To support the development of Temporary Use Permits for short-term vacation rentals and other uses

Rec'd: 09-Oct-2018

3. *Cannabis Land Use Regulation*

Responsible

Dates

Review of land use regulations with respect to cannabis production and retail sales.

Jaime Dubyna

Rec'd: 20-Nov-2018



Projects Report

Denman Island

1. Protected Area Network

Responsible

Date Received

Undertake planning for a Protected Area Network on Denman Island

15-Mar-2011

2. Alternative Energy

Responsible

Date Received

Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems.
Monitor recommendation from Trust Council.

15-Aug-2011

3. Dwelling Floor Area Regulation

Responsible

Date Received

Consider regulations to limit the gross floor area of a dwelling

25-Oct-2011

4. Climate Change

Responsible

Date Received

Consider climate change adaptation and mitigation measures

25-Oct-2011

5. Development Procedures Review

Responsible

Date Received

Review and update Development Procedure Bylaw No. 71

11-Dec-2012

6. Alternative Dispute Resolution

Responsible

Date Received

To be considered as part of the enforcement tool kit, possibly in cooperation with the
Hornby Island Local Trust Committee

26-May-2015

7. Denman Village Plan

Responsible

Date Received



Projects Report

Denman Island

Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.

26-May-2015

8. *Travel trailers*

Responsible

Date Received

LUB amendments and enforcement policies regarding the use of travel trailers

07-Mar-2017

9. *Occasional use of accessory buildings*

Responsible

Date Received

Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there

07-Mar-2017

10. *Greenshores Workshop*

Responsible

Date Received

01-May-2018

11. *Incorporate the Regional Conservation Plan into land use planning.*

Responsible

Date Received

To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)

07-Aug-2018

12. *Facilitating affordable, attainable and seniors housing.*

Responsible

Date Received

Projects Report

Denman Island

Secondary suites review and consideration of further opportunities to support housing options. Consideration of DCLTA and Northern Housing Needs Assessment report recommendations.

20-Nov-2018

13. Coastal Douglas-fir protection

Responsible

Date Received

Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Island Trust Tool Kit (2018).

07-Feb-2019

14. naming and recognition/traditional place name for Denman Island on Local Trust Committee

Responsible

Date Received

Reference Staff Report dated November 7, 2019

07-Nov-2019

From: Marine Special Advisor ENV:EX <MarineSpecialAdvisor@gov.bc.ca>
Sent: Thursday, November 21, 2019 3:34 PM
To: Clare Frater <cfrater@islandstrust.bc.ca>
Subject: Marine Special Advisor Fall Progress Report

EMAIL RESPONSE

Reference: 350844

November 21, 2019

Clare Frater
Director - Trust Area Services
Islands Trust
Email: cfrater@islandstrust.bc.ca

Dear Clare Frater:

Thank you for meeting with me and/or ministry staff this past summer. Your comments on and feedback to our questions provided us with valuable information and ideas for lasting solutions. I very much appreciate your participation and contribution.

I have produced a [Fall Progress Report](#) which presents a snapshot of what we've heard during our conversations. My next step will be reviewing the findings from the summer and reflecting on previous calls for action. I anticipate submitting my report with recommendations to the Honourable George Heyman, Minister of Environment and Climate Change Strategy, by the end of the year.

To stay informed of progress on this initiative, I invite you to visit <http://gov.bc.ca/MarineDebrisProtection>.

Sincerely,

Sheila Malcolmson
MLA, Nanaimo
Parliamentary Secretary for Environment

Addressing Abandoned Vessels, Marine Debris and Marine-sourced Plastics

FALL 2019 PROGRESS REPORT

Introduction

Marine debris pollutes our waterways and threatens the health and economies of coastal communities. Thousands of abandoned vessels are deteriorating in B.C.'s marine waters, dangerously close to sinking, along with all the pollutants they carry. Our ocean floor and shores are littered with marine-sourced debris and plastics. So much of the pollution we create sits just beyond our view, beneath the surface.

That's why the Ministry of Environment and Climate Change Strategy is exploring ways to prevent vessels from being abandoned in the first place and find recycling solutions to keep salvaged marine debris out of landfills. Sheila Malcolmson, MLA for Nanaimo and parliamentary secretary for environment, was tasked by Premier Horgan to investigate the solutions the Union of BC Municipalities has been proposing for years: vessel licensing, end-of-life recycling, old boat turn-in programs, and better regulation of debris from docks and aquaculture.

Visiting coastal communities this summer to learn about innovative solutions that address abandoned vessels and marine debris, we are encouraged by what we are hearing. Innovative research into fibreglass recycling is coming to light. There is inspiring collaboration happening between industry and non-profits to clean-up debris.

And although there's been some federal action on marine debris lately, we are hearing that there might be a role for the Province to play too. People are encouraging us to use our prevention, reduction and recycling tools to their full capacity, so we can help remove roadblocks for communities and organizations. For example, we've heard marine debris might challenge landfill capacity – we want to learn more about that.

Snapshots of What We Have Heard

ACTIONS UNDERWAY

- Coastal Restoration Society and Clayoquot CleanUp removed over 1.5 million pounds of marine debris from the ocean last year.
- Ocean Legacy's *Marine Debris Solutions Centre*TM in Delta sorts marine debris from around the world, finding markets and repurposing as much as possible, cleaning and grinding marine-sourced plastics to create marketable products, such as packaging for Lush Cosmetics and alternative fuel.
- The Association for Denman Island Marine Stewards removed tonnes of marine plastics in 2017 and stewarded the reuse and recycling of all but one truckload.
- The Dead Boat Disposal Society has removed 60 boats from BC shorelines and plans to remove another 29 shortly.



AREAS SHOWING ENCOURAGING PROGRESS

- While *Styrofoam*™ continues to be a problem in recreational and legacy docks, encased foam is now the industry standard for commercial docks and shellfish aquaculture.
- There is increased consumer awareness about marine debris and an impressive movement for community beach cleanups.
- Projects tackling ghost fishing gear are locating lost nets and raising the profile of this issue.
- Transport Canada is funding select abandoned vessel removals and has now regulated penalties for abandonment in the new *Wrecked, Abandoned and Hazardous Vessels Act*.
- Plastic, fishing gear and fibreglass recycling research is occurring around the world, and the Province could help foster innovation in this area.

IDEAS FOR MEETING THE CHALLENGES

- Alternatives to landfilling boats and marine debris exist but challenges (e.g., technology and transportation) are still present in connecting these networks.
- Improving vessel licensing and tackling unauthorized mooring buoys has been suggested by some local governments, community groups and recreational boaters. Both are federal government tools.
- A B.C. boat dismantling industry could provide lasting jobs, but transportation and disposal/recycling issues need to be examined.
- Extended producer responsibility programs are tools that some jurisdictions are employing to tackle marine plastics.

REPORTING OUT AND CONSIDERATIONS FOR ACTION

Over the next several weeks, Parliamentary Secretary Malcolmson will be reviewing the findings of this summer's conversations and site visits, and further analysing previous calls for action from the BC Chamber of Commerce, the Association of Vancouver Island and Coastal Communities, and Union of BC Municipalities. She will then prepare her recommendations to Minister Heyman. Join the conversation at: gov.bc.ca/MarineDebrisProtection or email: MarineSpecialAdvisor@gov.bc.ca.

This work is being done in parallel with Minister Heyman's broader work on plastics. Through the Province's [*engagement on plastics*](#), options to further prevent, reduce and recycle plastic waste from all sources are being explored.

Visit cleanbc.ca/plastics to have your say.



BRITISH
COLUMBIA



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Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

December 9, 2019

File Number: 400-20; 5020-30

via e-mail: Min@dfo-mpo.gc.ca

The Honourable Bernadette Jordan
Minister of Fisheries and Oceans, and the Canadian Coast Guard
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Jordan:

Re: Request for additional resources for enforcement of shellfish aquaculture regulations

I am writing on behalf of the Islands Trust Council regarding long-standing concerns relating to shellfish aquaculture in Baynes Sound, British Columbia. We would like to request that Fisheries and Oceans Canada dedicate more resources to enforcement of aquaculture regulations with the aim of reducing the amount of aquaculture refuse in the marine environment. We would also like increased enforcement regarding the requirements to mark tenure boundaries clearly. This will help ensure that Denman Island beaches and near shore waters are safe for all users and wildlife.

The Islands Trust, created through the provincial *Islands Trust Act*, is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and approximately 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.

Islands Trust appreciates Department of Fisheries and Oceans Canada's (DFO) participation in collaborative initiatives aimed at reducing aquaculture industry marine debris. We understand that for the past three years, DFO has funded clean-up efforts and removed approximately 45 tonnes of shellfish aquaculture debris and old broken gear from the Baynes Sound area. We also appreciate DFO's efforts to provide funding to phase out Styrofoam floats via the Fisheries and Aquaculture Clean Technology Adoption Program.

The 14th annual Denman Island Community Beach Clean-up was held during the week of September 15-22, 2019. The clean-up was organized by the Association for Denman Island Marine Stewards (ADIMS), and was joined by the DFO, and the BC Shellfish Growers Association. ADMIS estimates the debris yield on Denman Island alone for 2018, was over six tons with ninety percent (90%) of the plastic debris originating from the shellfish aquaculture industry. Items included oyster trays, anti-predator netting, plastic fencing, plastic net bags, plastic floats, Styrofoam floats for rafts, and thousands of pieces of rope.

.../2

Baynes Sound, in the Strait of Georgia, between Denman Island and Vancouver Island, is a particularly important and sensitive ecosystem. Following a scientific process, in 2012 DFO designated the Sound as an Ecologically and Biologically Significant Area. The Sound is home to sea mammals, globally important duck and bird populations, and unmatched biological diversity.

We are asking for your leadership, as the federal government is responsible for regulating the shellfish aquaculture industry in British Columbia, including monitoring the potential impacts on the marine environment. The conditions of licence issued to all shellfish growing tenures state:

The licence holder shall not introduce or cause or allow the introduction of aquaculture refuse (including but not limited to infrastructure, equipment and materials) into the environment in the course of conducting aquaculture activities.

Despite this requirement, a lack of enforcement is resulting in poorly-secured gear and equipment – mostly plastic – continuing to wash up onto Denman Island shores and contaminating the surrounding marine ecosystem. The Denman Island Local Trust Committee, a locally-elected body within Islands Trust, regularly receives complaints regarding marine plastic debris and ghost netting washing up on Denman Island shores. In 2017, the DFO published its Shellfish Aquaculture Debris Strategy and Action Plan which stated that between 2010 to 2015, inspections revealed that “over 50% of licenced sites in B.C. have derelict or unmaintained gear and infrastructure, as well as improperly wrapped or exposed Styrofoam”. More resources for the Baynes Sound region is justified as the Sound is a shellfish aquaculture hotspot that produces half of British Columbia’s commercially grown oysters and clams.

The Islands Trust appreciates the efforts DFO has made in recent years to work with industry to reduce aquaculture marine debris but believes that more resources need to be allocated to enforcement, to increase the numbers of inspections, and enforce existing licence requirements.

Thank you for considering this matter.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc: Islands Trust Area MPs
BC Minister of Forest Lands and Natural Resource
Operations and Rural Development
BC Parliamentary Secretary for Environment
BOKÉĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Sḵwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SḶÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMELEL (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁELP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
xʷməθkʷəy̓əm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
BC Shellfish Growers Association
Association of Denman Island Marine Stewards
World Wildlife Fund Canada
Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Islands Trust Council
Islands Trust website



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December 9, 2019

File Number: 0400-30; 5020-30

via e-mail: FLNR.Minister@gov.bc.ca

The Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations and
Rural Development
PO Box 9352 Stn Prov Govt
Victoria, BC V8W 9M1

Dear Minister Donaldson:

Re: Request for more resources for enforcement of aquaculture tenure licences

I am writing on behalf of the Islands Trust Council regarding long-standing concerns relating to shellfish aquaculture in Baynes Sound, British Columbia. We would like to request that the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) allocate more resources to ensure aquaculture tenure requirements can be enforced effectively. We also wish to express support for the Provincial Aquaculture Program's efforts to increase the minimum security amounts to be paid by tenure holders and to require that debris management plans be adhered to prior to renewal or approval of new tenure applications.

The Islands Trust, created through the provincial *Islands Trust Act*, is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and approximately 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.

The 14th annual Denman Island Community Beach Clean-up was held during the week of September 15-22, 2019. The clean-up was organized by the Association for Denman Island Marine Stewards (ADIMS), and was joined by the Department of Fisheries and Oceans Canada (DFO), and the BC Shellfish Growers Association. ADMIS estimates the debris yield on Denman Island alone for 2018, was over six tons with ninety percent (90%) of the plastic debris originating from the shellfish aquaculture industry. Items included oyster trays, anti-predator netting, plastic fencing, plastic net bags, plastic floats, Styrofoam floats for rafts, and thousands of pieces of rope.

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The Honourable Doug Donaldson
December 9, 2019
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Baynes Sound, in the Strait of Georgia, between Denman Island and Vancouver Island is a particularly important and sensitive ecosystem. Following a scientific process, in 2012 DFO designated the Sound as an Ecologically and Biologically Significant Area. The Sound is home to sea mammals, globally important duck and bird populations, and unmatched biological diversity. This area forms a unique ecological region (Coastal Douglas-fir Biogeoclimatic Zone) in Canada, with less than eight percent of this area supporting rare and fragile ecosystems. This natural ecosystem provides specialized habitat for many rare species that are only known to occur in specific ecosystems. Intense development pressures have resulted in habitat fragmentation, degradation, and loss.

The Islands Trust Council supports the Provincial Aquaculture Program's implementation of protocols through aquaculture tenure agreements to ensure 'safe, clean and sanitary conditions' are upheld by tenure holders. Despite recent efforts to improve the amount of aquaculture debris in local waters, the Denman Island Local Trust Committee, a locally-elected body within Islands Trust, continues to regularly receive complaints regarding marine plastic debris and ghost netting washing up on Denman Island shores.

Islands Trust supports the efforts being made by the provincial government to establish and/or enforce management plans, regulation, and legislation for tenure agreements. All parties want to ensure the aquaculture industry succeeds while adhering to best practices to be good neighbours and environmental stewards. Accordingly, we request that FLNRORD allocate more resources to ensure aquaculture tenure requirements can be enforced effectively.

Thank you for considering this matter.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

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cc: Islands Trust Area MLAs
Federal Minister of Fisheries and Oceans,
and the Canadian Coast Guard
BOŶÉĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees)
Nation
Lyackson First Nation
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Nanwakolas Council
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Te'mexw Treaty Association
Bowen Island Municipal Council
BC Shellfish Growers Association
Association of Denman Island Marine Stewards
World Wildlife Fund Canada
Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Islands Trust Council
Islands Trust website



December 3, 2019

Ref: 112001

Peter Luckham
Chair, Islands Trust Council
200-1627 Fort Street
Victoria BC V8R 1H8

Dear Peter Luckham:

Thank you for meeting with the Ministry of Citizens' Services at the Union of British Columbia Municipalities (UBCM) conference on September 26, 2019 in Vancouver and discussing the concerns from the Islands Trust regarding the Connected Coast project.

The Connected Coast project involves the installation of a new sub-sea backbone transport fibre cable from Prince Rupert to Vancouver with landings at multiple coastal communities along its route. The project does not include last-mile builds, but once the Connected Coast is completed, the new fibre backbone will enable additional capacity at the landing sites.

The project was a joint submission by CityWest Cable & Telephone Corporation and the Strathcona Regional District to the federal Connect to Innovate Program and is jointly funded by the provincial Connecting British Columbia Program and the federal government. The scope of the project has now been finalized. However, there is an opportunity to start complementary projects by adding new landing sites that extend from the Connected Coast project. Additional landing sites and last-mile projects may have different project leads and timelines.

Currently, TELUS has confirmed that Galiano, Mayne, Denman and Hornby Islands have sufficient transport capacity to the islands. The primary issue is the lack of last-mile infrastructure to deliver high-speed internet services to the homes. To help determine the best solution for the Southern Gulf Islands, connectivity planning is taking place through the Capital Regional District. Please visit: <https://www.crd.bc.ca/project/connectivity-planning-in-the-southern-gulf-islands> for more information on dates and locations of the engagement sessions. We trust that the results of these consultations will allow the communities to develop a plan that will enable them to work with a service provider on a solution that best meets their unique needs.

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In addition, the Comox Valley Regional District received a grant from the provincially funded Connecting British Columbia Program to develop a connectivity infrastructure plan for the communities of Denman and Hornby Islands. Additional funding support was provided by the Island Coastal Economic Trust.

The Province is working closely with telecommunications companies and with the Government of Canada to lay the groundwork – through broadband infrastructure – to help internet service providers connect more BC communities. Recently, the Canadian Radio-television and Telecommunications Commission issued a second call for applications of the \$750-million Broadband Fund.

Intake details can be found here: <https://crtc.gc.ca/eng/archive/2019/2019-372.htm>.

We encourage you to continue to champion this initiative for the Gulf Island residents and work with the Strathcona Regional District to maximize the potential benefits of the Connected Coast project including the safe and reliable improvement of internet connectivity throughout the Islands Trust Area.

Thank you again for meeting with us at UBCM. If you have any questions regarding connectivity programs, please contact Howard Randell at 250 415-6867, or by email at NetworkBC@gov.bc.ca.

Sincerely,



Jill Kot
Deputy Minister

pc: Susan Stanford, Assistant Deputy Minister
Information Communications Technology

Howard Randell, Executive Director
Network BC